

JOURNAL

OF THE

SECOND BIENNIAL SESSION

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

SESSION 1849-50,

HELD IN THE

CITY OF MONTGOMERY.

**WITH AN APPENDIX,
PREPARED BY THE SECRETARY OF STATE.**

MONTGOMERY:

BRITTAN & DE WOLF, STATE PRINTERS.

1850.

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JOURNAL.

MONTGOMERY, ALA., }
Monday, November 12th, 1849. }

This being the second Monday in November, in the year of our Lord one thousand eight hundred and forty-nine, the day designated by law for the meeting of the General Assembly of the State of Alabama, the following members of the House of Representatives appeared in the representative hall of the State capitol, were qualified and took their seats, to-wit: From the county of

- Autauga*—Boling Hall, John Wood.
- Baldwin*—Reuben McDonald.
- Barbour*—Benjamin Gardner, Paul McCall.
- Benton*—G. C. Whatley, J. N. Young, Asa Skelton.
- Bibb*—O. S. Quinn.
- Blount*—Enoch Aldridge.
- Butler*—Edward Bowen, John S. McMullen.
- Chambers*—B. S. Goodman, Josephus Barrow, Fortune Chisolm, J. N. Kennedy.
- Cherokee*—Thomas B. Cooper, F. M. Hardwick.
- Clarke*—Lorenzo James.
- Coffee*—William Holly.
- Conecuh*—William Ashley.
- Coosa*—F. F. Foscue, A. H. Kendrick.
- Covington*—Alfred Holly.
- Dale*—E. R. Boon.
- Dallas*—George P. Blevins.
- De Kalb*—Robert Murphy, Madison Hendricks.
- Fayette*—A. J. Coleman, J. K. McCollum.
- Franklin*—R. S. Watkins, Thomas Thorn, Samuel Corsbie.
- Greene*—A. Gates, A. R. Davis.
- Henry*—Mathew Perryman, J. J. Sowell.
- Jackson*—Thomas Williams, J. C. Austin, Benjamin Frank.
- Jefferson*—Hugh Coupland, John Camp.
- Lauderdale*—Joseph Hough, Leroy P. Walker.
- Lawrence*—O. H. Bynum, R. O. Pickett.
- Limestone*—Nathaniel Davis, R. L. R. Davis.

Lowndes—J. M. Gonder, H. C. Swanson.

Macon—R. F. Ligon, B. Walker.

Madison—William Wright, D. C. Humphreys.

Marengo—M. W. Creagh, Caleb Williams.

Marion—Woodson Northcut.

Marshall—James M. Adams, James Critcher.

Mobile—E. Lockwood, Wm. G. Jones, C. W. Gazzam.

Monroe—Edward L. Smith.

Montgomery—T. H. Watts, C. G. Gunter, W. H. Rives.

Morgan—John D. Rather, John Ryan.

Perry—H. C. Lea, William Hendrix, George Goldsby.

Pickens—Lewis M. Stone, Absalom L. Neal.

Pike—Norman McLeod, Richard Benbow.

Randolph—C. D. Hudson, R. S. Heflin.

Russell—James B. Reese, B. H. Baker.

Shelby—Thomas H. Brasher, John S. Storrs.

St. Clair—J. M. Edwards.

Sumter—James T. Hill, T. R. Crews.

Talladega—Walker Reynolds, B. W. Groce, Jacob H. King.

Tallapoosa—John Rowe, J. L. Simmons.

Tuskaloosa—R. Jemison, jr., Hardin Perkins, Moses McGuire.

Walker—James Cain.

Washington—B. L. Turner.

Wilcox—J. M. Bridges, Thomas E. Irby.

On motion of Mr. Wood, Mr. Nathaniel Davis was called to the chair; and on motion of Mr. Chisolm, Mr. A. B. Clitherall was appointed Clerk *pro tem*.

The House then proceeded to the election of a Speaker, Mr. Leroy P. Walker alone being in nomination.

Messrs. Blevins, Gazzam and Watts voted for Mr. Jemison: the remaining representatives voted for Mr. Walker.

Mr. Walker having received a majority of the whole number of votes given, was escorted to the chair by a committee consisting of Messrs. Wilson, Gunter and Bynum, was qualified, and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Principal Clerk, A. B. Clitherall alone being in nomination, who having received the whole number of votes given, was declared by the Speaker to have been duly and constitutionally elected Principal Clerk of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Assistant Clerk; T. F. Samuel, of Tuskaloosa, James H. Cooper, of Cherokee, S. C. Rogers, of Russell, and P. R. Phillips, of Tallapoosa, being in nomination.

Those who voted for *Mr. Samuel* are, Messrs. Speaker, Aldridge, Benbow, Brasher, Camp, Coupland, Crews, Critcher, Corsbie, Franks, Goldsby, Hill, Irby, James, Jemison, Kendrick, Lockwood, McCall, McCollum, McDonald, McGuire, McLeod, Neal, Northcut, Perkins, Quinn, Rather, Ryan, Skelton, Stone, Thorn, Turner, Williams, Wilson and Wood.—35.

Those who voted for *Mr. Cooper* are, Messrs. Adams, Ashley, Austin, Blevins, Bowen, Bynum, Cain, Chisolm, Coleman, Cooper, Creagh, A. R. Davis, L. R. Davis, N. Davis, Edwards, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, M. Hendricks, William Hendrix, A. Holly, Humphreys, Jones, Kennedy, M. A. King, Ligon, Murphy, Patton, Pickett, Reynolds, Rives, E. L. Smith, Storrs, Swanson, Walker, Watkins, Watts, Whatley, Wright and Young.—46.

Those who voted for *Mr. Rogers* are, Messrs. Baker, Barrow, Boon, Bridges, Foscue, Gender, William Holly, Hough, McMullen, Perryman, Reese and Sowell.—12.

Those who voted for *Mr. Phillips* are, Messrs. Heflin, Hudson, Jacob H. King, Rowe and Simmons.—5.

Neither of the candidates received a majority of all the votes given. The House proceeded to ballot again.

Those who voted for *Mr. Samuel* are, Messrs. Speaker, Aldridge, Brasher, Camp, Coupland, Crews, Critcher, Corsbie, Foscue, Franks, Goldsby, Hill, Irby, James, Jemison, Kendrick, Lockwood, McCollum, McDonald, McGuire, McLeod, Neal, Northcut, Perkins, Perryman, Quinn, Rather, Skelton, Sowell, Stone, Thorn, Turner, Williams, Wilson and Wood.—35.

Those who voted for *Mr. Cooper* are, Messrs. Adams, Ashley, Austin, Benbow, Blevins, Bowen, Bynum, Cain, Chisolm, Coleman, Cooper, Creagh, A. R. Davis, L. R. Davis, Nathaniel Davis, Edwards, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, Madison Hendricks, William Hendrix, Hough, Jones, Kennedy, Jacob H. King, Lea, Ligon, McCall, Murphy, Patton, Pickett, Reynolds, Rives, E. L. Smith, Storrs, Swanson, Walker, Watkins, Watts, Whatley, Wright and Young.—47.

Those who voted for *Mr. Rogers* are, Messrs. Baker, Barrow, Boon, Bridges, Gender, Alfred Holly, Wm. Holly, Humphreys, M. A. King, McMullen, Reese and Ryan.—12.

Those who voted for *Mr. Phillips* are Messrs. Heflin, Hudson, Rowe and Simmons.—4.

Neither of the candidates having received a majority of all the votes given, the House proceeded to ballot again, (third time.)

Those who voted for *Mr. Samuel* are, Messrs. Speaker, Aldridge, Barrow, Brasher, Bridges, Camp, Coupland, Crews, Critcher, Corsbie, Foscue, Franks, Goldsby, Hill, Irby, James, Jemison, Kendrick, McCollum, McDonald, McGuire, McLeod, Neal, Northcut,

Perkins, Perryman, Quinn, Rather, Ryan, Skelton, Sowell, Stone, Thorn, Turner, Williams, Wilson and Wood.—37.

Those who voted for *Mr. Cooper* are, Messrs. Adams, Ashley, Austin, Benbow, Blevins, Bowen, Bynum, Cain, Chisolm, Coleman, Cooper, Creagh, A. R. Davis, L. R. Davis, Nathaniel Davis, Edwards, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, Madison Hendricks, William Hendrix, A. Holly, William Holly, Hough, Humphreys, Jones, Kennedy, Jacob H. King, M. A. King, Lea, Ligon, Lockwood, McCall, Murphy, Patton, Pickett, Reynolds, Rives, E. L. Smith, Storrs, Swanson, Walker, Watkins, Watts, Whatley, Wright, and Young—51.

Those who voted for *Mr. Rogers* are, Messrs. Baker, Boon, Gonder, Heflin, McMullen, Reese and Rowe—7.

Those who voted for *Mr. Phillips* are, Messrs. Hudson and Simmons—2.

Mr. Cooper having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected Assistant Clerk of the House of Representatives. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of an Engrossing Clerk, William J. Green of Jackson, Thos. L. Brothers of Montgomery, G. Moody, Edward A. Janey, L. R. Lawler, being in nomination.

Those who voted for *Mr. Green* are, Messrs. Adams, Aldridge, Austin, Barrow, Blevins, Boon, Brasher, Bridges, Bynum, Cain, Camp, Chisolm, Cooper, Coupland, Critcher, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscoe, Franks, Groce, Hall, Hardwick, Madison Hendricks, Hill, Hough, Humphreys, James, Jemison, Jones, Kendrick, J. A. King, M. A. King, McDonald, McGuire, Murphy, Neal, Northcut, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Ryan, Sowell, Stone, Storrs, Thorn, Walker, Watkins, Whatley, Wilson, Wood, Wright and Young—58.

Those who voted for *Mr. Brothers* are, Messrs. Coleman, Creagh, Crews, Gardner, Gazzam, Goldsby, Goodman, William Hendrix, Irby, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Skelton, E. L. Smith, Turner and Williams—19.

Those who voted for *Mr. Moody* are, Messrs. Benbow, Alfred Holly, William Holly, McMullen, McLeod, and Reese—6.

Those who voted for *Mr. Janey* are, Messrs. Ashley, Baker, Bowen, Corsby, Gates, Gonder, Gunter, Rives, Swanson and Watts—10.

Those who voted for *Mr. Lawler*, are Messrs. Heflin, Hudson, Rowe, and Simmons—4.

Mr. Green having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected Engrossing Clerk of the House of Representatives. He was qualified and entered upon the discharge of the duties of his office.

The House then proceeded to the election of a Door Keeper, James H. Owen, James M. Brundidge, John L. Nixon, C. T. Oliver, John Greer, W. W. Griffin, C. Evan, being in nomination.

Those who voted for Mr. Owen are, Messrs. Boon, Brasher, Bynum, Cain, Camp, Coleman, Coupland, Crews, A. R. Davis, Gates, Gazzam, Goldsby, Gunter, Hall, Heflin, Hill, Alfred Holly, Hough, Irby, James, Jemison, Jones, Kendrick, Jacob H. King, Lockwood, McDonald, McGuire, McLeod, Neal, Northcut, Perkins, Perryman, Rowe, Simmons, Stone, Sowell, Storrs, Thorn and Whatley—39.

Those who voted for Mr. Brundidge are, Messrs. Speaker, Barrow, Chisolm, Creagh, L. R. Davis, Nathaniel Davis, Gardner, Groce, William Hendrix, Hudson, Kennedy, Ligon, Patton, Pickett, Quinn, Reynolds, E. L. Smith, Walker, Watkins, Watts, Williams and Young—22.

Those who voted for Mr. Nixon are, Messrs. Benbow, Bowen, and McMullen—3.

Those who voted for Mr. Evan are, Messrs. Austin, Franks and Wilson—3.

Those who voted for Mr. Oliver are, Messrs. Ashley, Baker, Blevins, Bridges, Corsbie, Gonder, Lea, McCall, Reese, Rives and Swanson—11.

Those who voted for Mr. Griffin are, Messrs. Adams, Aldridge, Critcher, Edwards, Foscue, Goodman, William Holly, Humphreys, M. A. King, McCollum, Rather, Ryan, Skelton, and Wright—14.

Those who voted for Mr. Green are Messrs. Cooper, Hardwick, Madison Hendricks and Murphy—4.

Neither of the candidates having received a majority of all the votes given, the House proceeded to ballot the second time, the name of Mr. Greer being withdrawn.

Those who voted for Mr. Owen are, Messrs. Boon, Brasher, Bynum, Cain, Camp, Coleman, Coupland, Crews, Corsby, A. R. Davis, Gates, Gazzam, Goldsby, Gunter, Hall, Heflin, Hill, Alfred Holly, Hough, Irby, James, Jemison, Jones, Kendrick, Jacob H. King, Lockwood, McDonald, McGuire, McLeod, Neal, Northcut, Perkins, Perryman, Rowe, Simmons, Sowell, Stone, Storrs, Thorn, Whatley, Bridges, William Holly, Humphreys, Reynolds, Rives, Turner, Watts and Wood—48.

Those who voted for Mr. Bridges are, Messrs. Speaker, Barrow, Chisolm, Creagh, L. R. Davis, Nathaniel Davis, Gard-

ner, Groce, William Hendrix, Hudson, Kennedy, Ligon, Patton, Pickett, E. L. Smith, B. W. Walker, Watkins, Williams, Young, Goodman, McCall, Quinn and Rather—23.

Those who voted for Mr. Griffin are, Messrs. Adams, Aldridge, Cooper, Critcher, Edwards, Foscue, Hardwick, Madison Hendricks, M. A. King, McCollum, Murphy, Ryan, Skelton and Wright—14.

Those who voted for Mr. Oliver are, Messrs. Ashley, Baker, Blevins, Gonder, Lea, Reese and Swanson—7.

Those who voted for Mr. Nixon are, Messrs. Benbow, Bowen and McMullen—3.

Those who voted for Mr. Evan are, Messrs. Austin, Franks and Wilson—3.

Neither of the candidates having received a majority of all the votes given, the House proceeded to ballot a third time, the names of Messrs. Evan, Griffin, and Oliver being withdrawn.

Those who voted for Mr. Owen are, Messrs. Aldridge, Ashley, Blevin, Boon, Brasher, Bridges, Bynum, Camp, Chisolm, Coleman, Coupland, Crews, Critcher, Corsbie, A. R. Davis, Edwards, Gates, Gazzam, Goldsby, Gunter, Hall, Heflin, Hill, Alfred Holly, Hough, Humphreys, Irby, James, Jemison, Jones, Kendrick, Jacob H. King, Lockwood, McDonald, McGuire, McLeod, Murphy, Neal, Northcut, Perkins, Perryman, Reynolds, Rowe, Skelton, Simmons, Sowell, Stone, Storrs, Swanson, Thorn, Turner, Watts, Whatley and Wood—54.

Those who voted for Mr. Brundidge are, Messrs. Speaker, Adams, Austin, Baker, Barrow, Cooper, Creagh, L. R. Davis, N. Davis, Foscue, Franks, Gardner, Goodman, Gonder, Groce, Hardwick, Madison Hendricks, William Hendrix, William Holly, Hudson, Kennedy, M. A. King, Lea, Ligon, McCall, McCollum, Patton, Pickett, Quinn, Rather, Reese, Rives, Ryan, E. L. Smith, B. W. Walker, Watkins, Williams, Wilson, Wright and Young—40.

Those who voted for Mr. Nixon are, Messrs. Benbow, Bowen, Cain and McMullen—4.

Mr. Owen having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Door Keeper of the House of Representatives for the term prescribed by law. He was qualified and entered upon the discharge of the duties of his office.

Mr. Chisolm offered the following resolution, which was adopted:

Resolved, That the Senate be informed that the House of Representatives has organised, by electing the Hon. L. P. Walker, of Lauderdale, Speaker, A. B. Clitherall, Principal Clerk, James H. Cooper, Assistant Clerk, William J. Green, Engrossing Clerk, and are now ready to proceed to business.

Mr. Nathaniel Davis offered the following resolution :

Resolved, That the Chair appoint the following standing committees :

A Committee on the Judiciary,		
"	"	" Ways and Means,
"	"	" Federal Relations,
"	"	" Retrenchments,
"	"	" Privileges and Elections,
"	"	" The Military,
"	"	" Internal Improvements,
"	"	" Education,
"	"	" Propositions and Grievances,
"	"	" Agriculture,
"	"	" County Boundaries,
"	"	" Divorce and Alimony,
"	"	" Enrolled Bills,
"	"	" Roads, Bridges and Ferries,
"	"	" State Capitol,
"	"	" Corporations,
"	"	" Sixteenth Section Fund,
"	"	" State Bank and Branches.

On motion of Mr. Watts, a committee of the University was added to said resolution.

Mr. Baker moved to amend said resolution by adding thereto a committee on banks and banking.

Mr. Nathaniel Davis moved to lay said resolution on the table. which motion was lost and the amendment adopted.

On motion of Mr. Aldridge, a committee on public printing was ordered, and the resolution, as amended, adopted.

A message from the Senate by Mr. Kidd.

The Senate has adopted the following resolution :

Resolved, That the House of Representatives be informed that the Senate has organised, by the election of the Hon. Dennis Dent, President, J. F. Marrast, Principal Secretary, W. M. Kidd, Assistant Secretary, L. G. McMillan, Door-keeper, and are now ready to proceed to business.

Mr. Northcut offered the following resolution, which was adopted :

Resolved, That editors and reporters of newspapers be allowed seats within the bar of the House.

On motion of Mr. Jemison, the rules of the last House of Representatives were adopted for the government of this House.

Mr. Jemison offered the following resolution, which was adopted :

Resolved, That a committee be appointed to act with a like committee on the part of the Senate, to prepare and submit rules for the government of the two houses when in convention.

Mr. Wood offered the following resolution, which was adopted :

Resolved, That the chair appoint a committee of three, to act with a like committee on the part of the Senate, to wait on his excellency the governor, and inform him that both houses are organised, and are ready to receive any communications he may have to lay before them.

The chair appointed Messrs. Wood, Crews and Jemison, said committee.

Mr. Gunter offered the following resolution :

That the members of the House proceed to make a selection of their seats for this session, and after this manner : the name of each member shall be placed in a hat and drawn therefrom by the clerk. Each member as his name is drawn, shall have the right to select his seat ; the member whose name is first drawn having the first selection, the next drawn the second selection, and so on, until all the names are drawn and selections made.

Mr. Bridges moved to amend as follows :

Resolved, That the door-keeper be required to cause the desks in the House of Representatives to be numbered, and that they be disposed of by lot among the members of this body.

On motion of Mr. Wilson, the said resolution and amendment were laid upon the table. Yeas 70 ; Nays 26.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Bowen, Brasher, Bynum, Cain, Camp, Chisolm, Coleman, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Gates, Goodman, Groce, Hall, Heflin, M. Hendricks, Hill, A. Holly, Hudson, Humphreys, McCall, McCollum, McGuire, McMullen, McLeod, Murphy, Neal, Northcut, Perryman, Pickett, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Sowell, E. L. Smith, Stone, Storrs, Walker, Watkins, Watts, Whatley, Wilson, Wood, Wright, and Young.

Those who voted in the negative are Messrs. Speaker, Bridges, Cooper, Creagh, Critcher, N. Davis, Foscue, Gazzam, Goldsby, Gonder, Gunter, Hardwick, Wm. Hendricks, Wm. Holly, Hough, Irby, James, Jones, Lockwood, McDonald, Patton, Quinn, Rather, Swanson, Turner, and Williams.

And then the House adjourned until to-morrow morning at eleven o'clock.

TUESDAY, November 13th, 1849.

The House met pursuant to adjournment.

Robert S. Hatcher, a representative elect from the county of Dallas, appeared within the hall of the House, was qualified and took his seat.

Mr. Jemison introduced the following resolution, which was adopted :

Resolved, 'That a committee of three be appointed by the speaker to prepare and report rules for the government of this House.

A message from the Senate by Mr. Kidd:

Mr. Speaker: The Senate have adopted the following resolution:

Resolved, 'That a committee of three be appointed on the part of the Senate to act with a like committee on the part of the House, to wait upon his excellency the Governor and inform him that the two houses having organised are now ready to receive any communication he may have to make.

Messrs. Edwards, Stewart, Storrs, composed said committee.

Mr. Speaker appointed Messrs. Jemison, Aldridge and Bridges, committee to prepare joint rules for the two houses when in convention, under the resolution offered by Mr. Jemison on yesterday.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on Divorce and Alimony when raised.

Mr. Hardwick introduced a bill to establish courts of probate, and for other purposes.

Mr. Cooper introduced a bill regulating the rate of interest in this State.

Mr. A. R. Davis introduced a bill for the relief of John B. Clarke, of Greene county.

Mr. Humphreys introduced a bill to regulate judicial proceedings in Alabama.

Mr. Jones introduced a bill to amend the law of ——— in civil suits.

Mr. Stone introduced a bill to amend the law in relation to garnishments.

Mr. Storrs introduced a bill to revise and amend attachment laws of this State.

Which were severally read the first time and ordered to a second reading.

Mr. Storrs presented a petition of Isaac Lyttleton and others, which was read and referred to the committee on roads, bridges and ferries, when raised.

Mr. Wood, (by leave) from the joint committee appointed to wait on his excellency the governor, reported that at the hour of 12, m., on this day, his excellency would lay before the House his biennial message.

Mr. Edwards introduced a bill to repeal the revenue law of this State, which was read. The House refused to order said bill to a second reading. Yeas 36; Nays 52.

Those who voted in the affirmative are, Messrs. Austin, Barrow, Benbow, Boon, Bynum, Cain, Chisolm, Coleman, L. R. Davis,

Edwards, Foscue, Franks, Gardner, Goodman, Groce, Hall, Heflin, M. Hendricks, Hudson, James, Jemison, Kennedy, Ligon, McCollum, Northcut, Patton, Pickett, Quinn, Reynolds, Sowell, E. L. Smith, Stone, Walker, Whatley, Wilson, and Young.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Bowen, Brasher, Camp, Cooper, Coup-land, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Hardwick, Wm. Hendrix, Hill, A. Holly, W. Holly, Jones, Kendrick, J. H. King, M. A. King, Lea, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Perkins, Rather, Reese, Rives, Rowe, Ryan, Simmons, Storrs, Swanson, Thorn, Turner, Watkins, Watts, Williams, Wood and Wright.

The hour of 12 having arrived, a message was received from His Excellency Reuben Chapman, by his private secretary, Mr. Walshe, transmitting the following communication :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, November 13th, 1849. }

Gentlemen of the Senate

and House of Representatives :

The two years that have elapsed, since the last session of the Legislature, have been crowded with events as important as any that have ever marked the history of the world. Within that space of time, under the quiet operations of our system of government, State and Federal, the executive department of each has undergone a change, and new leaders have been selected to fill the chair of State. War has happily ceased on this, and revolutions have passed off on the other side of the Atlantic. A large territory has been added to the public domain, the unexampled riches of which invite emigration from every part of the world. Here peace, harmony and plenty prevail, while civil wars, anarchy and famine desolate other lands. The State has been blessed by a beneficent Providence with almost entire exemption from that terrible epidemic which afflicted other portions of the confederacy, while the industry of her people, in every department of labor, has prospered under His divine protection. For this display of goodness to us as a people, the present is surely an appropriate season to offer up our fervent thanks to Him who rules the destiny of nations.

The restless spirit and determined energy of purpose that distinguish those who project the vast improvements of the day---the wonderful advance in the Arts and Sciences---the conquest of space by steam, and of time by the telegraph---the rapid spread of liberal opinions throughout the world, all characterise the present as the Age of progress ; and it seems as if the New World,

where alone man is free in thought and speech and action, and unfettered by any restraint but such as are self-imposed, were destined to be the theatre of the highest development of which his nature is susceptible. It is the duty of the legislature, therefore, invested with a power the exercise of which permanently affects for good or evil the interests of so many, to foster by wise laws this spirit of progress, to offer every facility for the extension of intelligence and the security of happiness among the people, and, as far as is within the proper sphere of legislation, to remove all obstacles which exist to the development of every interest that can add to the wealth, prosperity and dignity of the State.

These considerations impress me with a deep sense of the responsibility I incur in recommending to your consideration any measure which I think may promote the general welfare. I undertake such a duty with great distrust of my ability, but a firm reliance upon your vigilance and wisdom to detect, and the indulgence of our common constituents to overlook, any error I may commit in my sincere desire to advance their interests.

While, as citizens of this State, we have reasons to be grateful for the many blessings we have received at the hands of Providence, we have been called upon, in common with the people of the other States of the Union, to mourn the death of our late President, James K. Polk. That distinguished statesman, though elevated to that high office at a time of great political excitement, and though the events that occurred during his administration are among the most important in the history of the country, forming a memorable era with which his name will ever remain associated, discharged its duties, amid all the difficulties by which he was surrounded, with such ability as to secure the respect of his political opponents, as well as the admiration of his friends. Of the public pledges which he made when he entered upon the duties of his office, none were left unfulfilled; and, when retiring into private life, the approving voice of his countrymen cheered him on his way. It was the will of Providence, however, that the termination of his public career should only precede by a few months the close of his eventful life. Shortly after his return to the quiet retirement of his home, surrounded by his family and friends, he surrendered that life, much of which had been spent in the service of his country, and his name was added to the number of her illustrious dead.

Official notice having been received at this department, since the last session, of the resignation of the Hon. Arthur P. Bagby, one of our Senators in Congress, and long known as an able and experienced public servant of this State, whose nomination as Minister to Russia was confirmed; the vacancy so created was

filled by the appointment of the Hon. Wm. R. King, of Dallas county.

On the 25th day of October, 1848, the Hon. Dixon H. Lewis, who, at that time, was one of the Senators in Congress from this State, and who had been, for many years previous, a member of the House of Representatives, while on a visit to New York, departed this life. By this sad dispensation of Divine Providence the State was deprived of the services of one of her ablest and most faithful public servants, and the Union of one of her soundest statesmen. On the occasion of his death, the city authorities of New York made public demonstration of the high estimation in which he was held as a patriot and statesman. The body of which he was an able and distinguished member, at the next session of Congress, paid a marked respect to his name and memory.

Having been but a short time previously re-elected to the elevated station which he filled with so much honor to the State, he was called away from the service of his country in the midst of his usefulness, and almost at the commencement of his official term. The vacancy thus caused was filled by the appointment of the Hon. Benjamin Fitzpatrick, of Autauga county.

As the fiscal condition of the State is a subject in which the people generally feel a deep interest, I shall first bring it to your notice. The operations of that branch of our State Government for the two years ending the 1st instant, exclusive of those connected with the State debt and banks, which are under the control of F. S. Lyon, Commissioner, as will be seen by reference to the Treasurer's Report, have been as follows:

Balance in the Treasury 26th November, 1847, less	
\$14,566 07, as explained by the Treasurer.....	\$528,251 86
Receipt during the year ending November 1, 1848,	
exclusive of Treasury drafts from the U. States,	288,640 92

Total means for 1848, exclusive of Treasury drafts	\$816,892 78
Paid out during the same period, including the	
sum of \$485,965 35, exclusive of Treasury	
drafts, to F. S. Lyon, Commissioner.....	644,628 03

Balance in the Treasury, November 1, 1848.....	\$172,264 75
Receipts during the year ending 1st instant, exclu-	
sive of Treasury drafts from the United States..	487,987 58

Total means for 1849, excluding Treasury drafts....	660,252 33
Paid out during the same period, excluding Treasury	
drafts;	122,235 75

Balance in the Treasury November 1. 1849.	\$538,016 58
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Since the last session seventy-four thousand three hundred and sixty-three dollars and forty-nine cents have been received by the treasurer from the United States, through the agency of Robert T. Scott, on account of expenses incurred in the Creek war, all of which, less the commissions of said agent, has been paid over to F. S. Lyon, commissioner. There has also been received from the United States by the state treasurer a treasury draft for seven hundred and seventy-five dollars and eighty-six cents, on account in part of expenses incurred in the Mexican war, which remained on hand on the 1st instant. This sum makes the total means of the treasury on the 1st instant five hundred and thirty-eight thousand seven hundred and ninety-two dollars and forty-four cents. There has been received at this department from the United States, since the last session, on account of dividends on the five per cent. United States stock, arrearages of the two and three per cent. fund, and including two thousand two hundred and ninety-eight dollars and eighty-five cents on account of expenses incurred in the Mexican war the sum of fifty-six thousand nine hundred and sixty-one dollars and ninety-three cents, which sum was paid over to F. S. Lyon, commissioner, as will be seen by his report.

I take this occasion to report, that of the five thousand dollars appropriated to pay expenses in raising troops for the Mexican war, and placed under my control, by the act approved December 27, 1847, I have expended the sum of one thousand eight hundred and fifteen dollars and forty-four cents, as follows: Captain McAlpin's company, one thousand five hundred and forty-six dollars and forty-four cents; M. M. Bonner for captain Irby's company, one hundred and forty-three dollars and fifty cents; S. Woodward for captain Barr's company, forty-four dollars and fifty cents; T. Woostenholm for the same company, twenty-two dollars; and W. H. Williamston for captain Gibbs' company, fifty-eight dollars: in all, one thousand eight hundred and fifteen dollars and forty-four cents, as stated above, leaving still unexpended in the treasury three thousand one hundred and eighty-four dollars and fifty-six cents.

In estimating the means to meet the wants of the State for the next two years, it must be recollected that besides the sum of five hundred and thirty-eight thousand seven hundred and ninety-two dollars and forty-four cents, the total means in the treasury on the 1st instant, only an inconsiderable portion, say about sixteen thousand dollars, had been received of the revenue for the present year, which is not due at the treasury until the first of next month. Estimating the amount that will be received for the present year, by that received for 1848, we may calculate on an addition to the amount in the treasury the 1st

instant of about four hundred and fifteen thousand dollars, making the total means about one million dollars. This sum, however, it must be remembered, is mostly in the notes of the late State bank and branches.

The receipts from the ordinary sources of revenue within the State for the next two years, taking the results of the present tax law as the basis of the calculation, or under such modification as will not materially lessen the gross receipts, are estimated by the comptroller in his report at nine hundred and thirty thousand dollars, or four hundred and sixty-five thousand dollars for each year.

It is reasonable, however, to anticipate an increase of the revenue for the next year over that of the present, and for the year 1851 over that of 1850, from the natural and regular increase in the value of the objects of taxation, and the addition to our population. But without calculating any increase arising from these causes, we may anticipate an addition to our revenue from objects heretofore exempt from taxation. The existing revenue law exempts from taxation all lands that had been sold by the United States within five years. As the act of Congress, approved January 26, 1847, authorises the State to tax such lands, no reason now exists for the exemption. I suggest, therefore, that the law be amended in that particular. By such an amendment, an additional quantity of land, estimated from the most reliable data at eight hundred thousand acres, will be made subject to taxation for the next two years. Taking the value of these lands as estimated by the comptroller under the present law, there will be added to the revenue the sum of six thousand dollars.

There are other sources also from which an addition to the revenue may be anticipated. There are suits now pending in behalf of the State against tax collectors and others for arrearages, to the amount of about sixty-two thousand dollars. There still remains due, for sixteenth sections sold, more than four hundred and fifty thousand dollars, besides interest, about one-fourth only of which debt has been extended under the act of the last session. This fund, though due to the townships, will, when collected, come into the State Treasury, under that law. Besides the above, there are several other sources within the State of less magnitude from which revenue will be received.

From the United States we may anticipate from the two and three per cent. on the sale of the public lands for the next two years, estimating it by previous years' sales, about seven thousand two hundred and fifty dollars. The dividends arising from sixty thousand four hundred dollars, of five per cent. United States stock, some portion of which is now in arrears, will bring about fifteen

thousand dollars. The agency authorised by the act of the last session to settle the accounts with the United States in relation to the two and three per cent. fund may be expected to add at least one hundred thousand dollars, while from the balance of claims still due for expenses incurred by the State during the Mexican war, we will probably receive about seven thousand dollars.

From all these various sources within and without the State, there is a reasonable prospect of a considerable increase to the means of the State during the next two years, of which the sum of thirty thousand dollars at least may be looked upon as certain.

Having thus placed before you the estimated available means of the State for the next two years, arising from the various sources of revenue both within and without the State, I will now call your attention to the probable expenditures for the same period.

The comptroller estimates the expenses of the state government for the next two years, commencing with the first instant, and including interest on the domestic or funded debt to the University and the several townships, at three hundred and fifteen thousand three hundred and fifty-seven dollars, to wit :

Permanent salaries of State officers, with the University debt,	\$98,650
Total expense of the session, estimating it at eighty-one days,	63,057
Interest on sixteenth section fund,	90,000
Contingent expenses,	10,000
Legislative appropriations,	10,000
Taking the Census,	12,000
Keeping State prisoners,	14,000
Conveying convicts to Penitentiary,	3,500
Slaves executed,	3,000
Apprehending fugitives, prosecuting public offenders and removing prisoners,	1,250
Printing Supreme Court decisions,	4,500
Making congressional returns,	800
Courts martial,	100
Public printer,	4,500
	<hr/>
	\$315,357

It is believed that, without injury to the public service, a considerable reduction may be made in the above estimate. The last session was, from a variety of causes, of unusual length. It is not unreasonable to anticipate that the present will not extend beyond three-fourths of the time estimated, which would make a reduction of fifteen thousand dollars. The expense of keeping State prisoners might, for reasons given in another place, be dis-

pensed with, which would make a reduction of fourteen thousand dollars. As the Federal, as well as the State census will be taken next year, an arrangement may be effected, by which a reduction of ten thousand dollars in the estimate may be secured. The contingent fund, although it ought to be appropriated, will not probably be more than half expended in the next two years. As the office of reporter will probably be dispensed with, which is recommended for reasons given, the expense of printing the Supreme Court decisions may be reduced three thousand dollars. All these items of reduction will amount to forty-seven thousand dollars, which would leave the actual expenditures of the State, for the next two years, two hundred and sixty-eight thousand three hundred and fifty-seven dollars.

For several months after the adjournment of the late session, the comptroller was steadily engaged in the discharge of the duties imposed upon him by the revenue law, and for the ability so displayed by him he deserves much credit.

The delay and expense that would have resulted from providing land registers induced that officer, under the authority vested in him by the act, to dispense with them. In the propriety of that decision I fully concurred. Experience has since proved that the maps furnished all the information desired. An agent was employed, by special contract, to proceed immediately to the general land office at Washington and prepare the maps, who performed that duty with all possible despatch. They could not, however, be prepared and delivered before the next September, and were, immediately after that time, distributed.

The entire cost of the maps, including paper, ruling, binding and freight to this city, amounted to less than a thousand dollars; which may be considered a low price for fifty-one volumes substantially bound, one for each county, containing township maps, and thirteen large volumes for the comptroller's office, containing copies of the county maps. No appropriation having been made for the expenses attending this law, they were paid out of the contingent fund.

The Board of Equalization, established by the thirty-seventh section of the law, having adopted the necessary means, by notice published at an early date, to acquire information as to any irregularity or inequality in the assessments, met in the Comptroller's office the 5th day of July, 1849, but in the absence of any information, adjourned without action. The same cause rendered any subsequent meeting unnecessary.

To examine the operation of this law, and to notice the numerous objections urged against it, would extend this communication to an unreasonable length. The objections, however, are believed to be more against the expense attending the execution of

the law, and to some of its details, than to the amount of tax assessed or to the general principles of the law.

That, in many respects, the law is imperfect, its warmest advocates will not deny. Indeed, when it is recollected that the committee who framed it had not the aid of reliable statistics, and that the system it proposed was novel in this State, embracing so many new objects of taxation, imperfection in the work might naturally have been expected. Its friends, however, flattered themselves that its general principles, especially the *ad valorem* system of valuation, would be approved of, and that, though defective in detail, it would serve as a frame-work upon which a more perfect revenue law might be built thereafter. That the act has, in its operations thus far, elicited valuable statistical information for future legislation, will appear obvious by an examination of the assessor's book, and the report which will be submitted to you by the comptroller. A great reduction may be made in the expense of collection, especially by dispensing with the district assessors, whose services will not be required hereafter.

It would argue no little arrogance on my part were I to attempt to suggest to you, who are fresh from our constituents, and who may be supposed to know their wishes better, the character of a revenue law that will meet public approbation. Such a law ought to conform as far as possible to the opinions of those who have to bear it. From what has already been said in a previous place, it is evident that there will be no necessity for any further increase of the burdens now bearing on the people, while a more perfect equalization of the system will make it less burdensome.

It affords me much satisfaction to state that, though the revenue law of the last session increased the taxes considerably, yet the people of the State, with their well known patriotism, have generally submitted to the burden imposed. It is believed that every county in the State will settle its due proportion of assessment. For more particular information on this subject, I refer you to the report of the comptroller, which will be submitted to you at an early day.

I take occasion here to repeat the recommendation made by my predecessors, to relieve the State treasury from the payment of claims for keeping State prisoners, and leave their discharge to the several counties where the crimes were committed. The settlement of such claims by the Legislature, as formerly, was attended with expense and much trouble, and, since the passage, at the last session, of the act "to reform the evils of local legislation," that duty has been transferred to the comptroller, whose labors have been greatly increased thereby. It seems to me that such claims would be better adjusted, and with less probability of the payments

of improper accounts, by the officers of the several counties than by those of the State. Besides, the mode suggested would ensure a more equitable distribution of the expense attending the administration of justice. It is unjust, that counties where crimes are rare should pay for the keeping of criminals in counties where they are frequent. An examination of the accounts of this character presented, as well as the penitentiary reports, will at once show that crimes are more frequent in cities and densely populated counties, than in the more remote agricultural districts; yet the latter, under the present system, have to contribute more than their just proportion of this expense. The amount paid out during the last two years for the keeping of State prisoners is nearly thirty thousand dollars. It would be a great relief to the treasury if this item of expenditure were, in future, transferred to the several counties.

The question of the State debt, and the policy that ought to be pursued with regard to its liquidation, has occupied much of public attention since the last session, and will, no doubt, receive your most serious consideration during the present.

The great question appears to be, whether we should raise an amount of revenue that would enable us to pay not only the interest, but such a portion of the principal as would lead to a speedy liquidation of the entire debt, or, postponing for the present the payment of the principal, raise only so much as would be necessary to pay the regular interest on that debt, in addition to the expenses of the State government, leaving its final liquidation for a period more propitious, when the energies of our young State will be more matured and better directed—when her vast agricultural and mineral resources, and her manufacturing capacities will be more fully developed, and her population more numerous and better able to share the burden of taxation among them. Which course of policy should be adopted by the State, as might be expected, gives rise to much difference of opinion. It must be remembered that the question of postponement can in no wise affect the honor or financial credit of the State, for, by the terms of the contract which created our foreign debt, the right was reserved to the State to continue her indebtedness for an indefinite period, provided the interest on that debt continued to be regularly paid. The payment of the principal is, therefore, with us a question of expedience, and in determining upon the time, we should be led to adopt that course of policy, which, after due consideration, we should feel satisfied would best serve the interests of the State.

In considering the question as to the time the debt can be paid by the imposition of the least burden upon the people of the State, we may with propriety compare the present means of

raising revenue in the State with those which it may be reasonably anticipated will be within her limits, when her vast natural resources will be more fully developed. The whole number of acres of land comprised within the territorial limits of the State, sold and unsold, according to the late report of the General Land Office, amounts, in round numbers, to thirty-two millions. The whole number of acres sold and rendered subject to taxation, amounts, in round numbers, to fifteen millions, leaving more than one-half of the lands in the State still in the possession of the General Government, and therefore not subject to taxation. Admitting that these lands still exempted from taxation are less valuable than those which have been rendered subject to it, still there remains in them an abundant source for future taxation, which, though at present unproductive, the steadily increasing population of our State is yearly developing; while every increase of the quantity of land rendered subject to taxation brings necessarily with it an additional increase of personal property also liable to taxation. And I entertain little doubt that greater inducements for the progressive sale of lands will soon be held out to the public in the system of graduation and reduction in price which the General Government will be forced, by the weight of public sentiment, as well as from motives of sound policy, to adopt.

Real estate is properly estimated the most available source of revenue to the State as it is the most certain and the most permanent; and, though it appears that there is less than one-half of the whole amount of the land in the State subject to taxation, yet, on examining the table of assessments for 1848, we find that nearly one-third of the whole revenue for that year was derived from real estate. The estimated value of the whole taxable property in the State in the year 1848 amounted to one hundred and ninety-one millions seven hundred and sixty-one thousand six hundred and seventy-nine dollars. The estimated value of the real estate was sixty-two millions two hundred and four thousand five hundred and ninety-seven dollars, or nearly one-third of the whole. The gross assessments for the same year, based upon personal and real property, and also including the poll tax, income tax, &c., amounted to four hundred and fifty-four thousand two hundred and seventeen dollars, while the gross assessments on real estate alone amounted to one hundred and twenty-six thousand one hundred and seventy-nine dollars. If, however, from the gross assessments given above, we deduct the amount arising from other sources than actual property, such as incomes, licenses, &c., we will find that more than one-third of the revenue arising from actual property was derived from real estate.

When, therefore, we look around and see that at present, less

than one-half of the whole amount of land in the State is subject to taxation ; that a progressive increase of that amount may be looked forward to with certainty ; that our population is steadily increasing ; that manufactories are rapidly multiplying among us ; that we have an extensive portion of our State abounding in iron and coal, and vast quarries of marble as yet scarcely touched by the hand of labor ; and that the spirit of Internal Improvement is in our midst, opening new outlets to trade, bringing the more remote parts of the State nearer to market, adding fresh stimulus to increased mineral and agricultural production, developing new sources for the investment of capital and the employment of labor, and continually multiplying means for the accumulation of wealth ; are we not forced to the conclusion that postponement, which will render the final liquidation of our foreign debt more certain, more easy and less burdensome to our people, is the policy most conducive to the best interests of the State. The low rate of interest which we have now to pay on that foreign debt, when compared with the actual value of money in this State and the rate for which the best State stock can now be sold, is an additional argument in favor of that postponement.

In view of all these facts, I am led to the belief that the final liquidation of that debt, which, at present, might be attended with difficulty, and certainly would be burdensome, in ten years from now would be scarcely felt by our people ; and in accordance with that belief, I feel it my duty to recommend to the General Assembly to raise such an amount or tax only as will be sufficient to meet the expenses of the State government, and make up the deficiency of available means in the hands of the Bank Commissioner for the interest of our foreign and domestic debt.

If this policy meet the views of the General Assembly, it will be necessary to provide for the renewal of a portion of the bonds, namely, bonds for one hundred thousand dollars at six per cent., falling due April 1, 1850, and payable at the Phoenix Bank, New York, and bonds for eight hundred and twenty-four thousand dollars at five per cent., falling due June 1, 1850, and payable at Reed, Irving & Co's., London. In order to avoid any necessity for further renewals, it would be well to extend the renewal for twenty years.

In my remarks upon the State debt I have already alluded to the spirit of Internal Improvement so extensively prevailing in every part of the State, and the prospect of her immense resources being developed by means of the completion of works of general utility. This laudable feeling being at length aroused among our people by the unexampled success attending such work in other States, and the great benefit likely to result, as well

to the State at large, as to the individuals who propose to invest their capital in similar works in this State, presents to the General Assembly the grave question whether something ought not to be done, without delay, by the State, towards encouraging individual enterprise about to embark in works of this character. My decided opinion is that the State ought to encourage such individual efforts by taking stock in such works as should be deemed of the greatest general utility, best calculated to develop her own resources, and at the same time most likely to yield to the stockholders a fair dividend on their investments.

It may be a question of doubt with some, whether, in the present financial condition of the State, loaded with a heavy debt, with the burden of taxation upon the people increased, it would be advisable for her to dispose of her available means for any purpose other than that of paying the interest and diminishing the principal of the debt she now owes. Many reasons can be offered why the course suggested above may be not only advisable but absolutely necessary for the best interests of the State. Liberal investments in works of Internal Improvements of undoubted utility, when judiciously made, are oftentimes the course most consistent with the true principles of economy and the interests of the State. By aiding such works, the State will do more to increase her population, develop her mineral, agricultural and manufacturing resources, invite capital from abroad, enhance the value of her real estate, and multiply her productions, thereby securing the payment of her debt, and diminishing the burdens now pressing upon her people, than by any other course she can adopt. The dividends that may reasonably be expected from a judicious investment in such works might be made a sinking fund for the gradual but certain extinction of that debt; while the general benefits resulting from their completion would multiply the sources of revenue. There is another reason, however, which is perhaps as forcible as any thing that can be presented for your consideration. If deterred by our present financial condition from aiding and thereby encouraging the spirit now abroad in the State, we should hesitate to take any interest in such enterprises as require only our aid to make them successful, and they should fail for want of such aid, will not other States, taking advantage of our want of energy, cut us off from all the great channels of trade, make the productions of our soil tributary to their superior sagacity and industry, and leave our State behind in the great race for power and prosperity?

It will be remembered, besides, that the State has received from the General Government, from time to time, as the public lands within her limits have been sold, commencing early after her admission into the Union, a very considerable sum, which is held in

trust for objects of Internal Improvement. The faith of the State is solemnly pledged to expend it for that purpose and no other. As this obligation rests upon the State, to be performed at some reasonable period, it occurs to me that there can be no more favorable time for the fulfilment of that trust, and that we should not neglect it, lest in omitting to avail ourselves of it, we should lose the golden moment. By advocating the policy of aiding and encouraging works of Internal Improvement, I do not mean to advise lending the money of the State to private companies engaged in them. Of this policy I not only disapprove, but I doubt the right of the State to lend to such companies, or to individuals, any portion of the trust funds alluded to. The following is a statement of these funds and the manner in which a portion of them has been disposed of:

Total amount of the three per cent. fund received from the United States,	\$496,060 46
Total amount of the two per cent. fund received from the United States,	277,995 93
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	774,056 39
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Appropriations out of the three per cent. fund for the Coosa, Tombeckbee, Warrior, Paint Rock, Choctawhatchee and Elk rivers,	\$135,000 00
Loan to the Montgomery Railroad Company out of the two per cent. fund,	116,782 64
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Total amount disposed of,	\$251,782 64
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Balance remaining undisposed of, \$522,273 75

Of the amount stated as disposed of, it will be seen that only one hundred and thirty-five thousand dollars have been actually expended, as the amount lent to the Montgomery and West Point Company will, of course, be returned to the State at a future day. The two per cent. fund being a specific grant, any disposition that may be made of the residue that still remains within the State, must be in accordance with the conditions of the grant. Besides the amount stated above, there is a further sum of twenty-five thousand one hundred and twenty-five dollars and twenty-three cents, the amount which this State received as her share in the distribution of the proceeds of the public lands, authorised by an act of Congress in 1841. This fund is equally applicable with the others to works of Internal Improvement. There will be still further additions to these sums arising from the sale of the public lands and from the final settlement of the account between the State and the General Government.

In view of all these considerations, I recommend that a law be

passed organising a board of Internal Improvement, to consist of not less than three nor more than five members, to be elected by the joint vote of both Houses of the General Assembly, from double the number to be nominated by the Governor, with such compensation only as would defray the reasonable expenses necessary in the discharge of their duties; that the State be divided into as many districts as there are members of the board, each district being represented as to its local interests and trade by one member, who should be a resident. I would suggest also that a sum, not exceeding one hundred thousand dollars annually, be appropriated and set apart, subject to be drawn by said board for subscription to stock taken for the State by them in such works as they may consider of general State utility, and likely to afford a dividend of at least five per cent. when completed. But it should be specially provided that no money be drawn, unless on the certificate of every member of the board, and no subscription for stock be taken, unless with their unanimous approbation. When a majority only of the board favor any proposition to take stock, they should, in that case, report to the General Assembly, whose decision should determine the question. The State stock so taken, in any work of Internal Improvement, should not exceed one-fifth of the whole amount of the capital of the company, and no larger installment should be allowed on the stock owned by the State than is required by the company from individual stockholders.

The indications of the past year render it certain that you will have presented for your consideration, during the present session, various propositions for the establishment of Banks. Important as the question of banking is, and deeply as it involves the interests of the people of the State, my known position in reference to it, renders it entirely unnecessary that I should enter into a labored argument on the subject; while the fact, that the power entrusted to me by the people is now about to pass into the hands of another, would perhaps render it improper that I should do so.

In regard to the policy of banking, my views remain not only unchanged, but they have been strengthened by subsequent observation. Nevertheless, I am free to admit that the late elections in this State would seem to indicate that a considerable portion of the people has decided in favor of establishing banks, and that a majority of their representatives agree with them on that question. Under such circumstances, therefore, I have no reason to believe that I could by any argument of mine, even if I would, change the course of any member who may think himself virtually instructed by his constituents; neither would I do so if I could.

That the Legislature has the constitutional power to establish banks cannot be disputed. There is no constitutional issue, therefore, involved in the question; it is one of mere expediency. Neither did it assume the form of a party question in the late elections, for we have the evidence before us, how far above the reach of party control the voice of the people placed it in several counties in the State. Should therefore a majority of the Legislature decide upon the establishment of a bank, so far from interposing any obstacle in their way, I shall feel it my duty to give my official sanction to any constitutional bill having that object in view, that may be presented to me during the period that now remains of my official term. And no friend of the policy can desire more sincerely than I do, that if adopted it may advance the great interests of our State.

The commissioner and trustee appointed by the act of February 4, 1848, to regulate the affairs of the banks and provide for the payment of the State bonds, has made regular semi-annual reports to this department according to the provision of that law, which I caused to be published in a condensed form as the act required. He will, at an early day, submit to you a full report of his operations in the discharge of the high trust conferred upon him by the general assembly. I think it, therefore, unnecessary for me to anticipate that report. I feel confident, however, that the results have been favorable to the best interests of the State, even beyond our most sanguine expectations. The interest of the debt has been regularly paid since the last session, and the good faith of the State maintained as before.

The elevated position of our State in the estimation of the world, must be gratifying to the just pride of our citizens. With a debt greater, perhaps, in proportion to her wealth and population, than any of her sister States, her statesmen had the nerve to impose and her people the patriotism to bear the burdens necessary to meet the emergency. Alabama has promptly met all her engagements, and stands now, as she ever has done, erect among the members of the Union, without a blot upon her fair fame.

But much as has been done towards relieving the State from her pecuniary embarrassments, much yet remains to be done. The banks have still a large amount of bad and doubtful debts due them, while those denominated good have not all been collected. It will be necessary, therefore, to continue the commission still longer, and accordingly, I recommend that it be so continued, as decidedly the best mode, not only of collecting the debts still due the banks, but of providing for the payment of the interest falling due upon the State debt. The expenses of the commission may no doubt be greatly reduced. It may not be found

necessary to continue the present system of agencies at the several banks, or if they should be found necessary, there are many expenses attending their management that may without loss or inconvenience be hereafter dispensed with.

The commissioners, in their report at the last session, stated that immense loss had been sustained by the several banks, under the statutes of non-claim and of limitation, and suggested the policy of exempting such debts from the operation of these statutes. I earnestly recommend that an act be passed exempting from the operations of these statutes, all debts due to the State bank and branches. Had this policy been adopted in the first instance, millions might have been saved to the State. By passing such an act now, it is by no means clear that debts really due the banks, but which cannot be collected under existing laws, may not still be recovered. If really due, such debts ought to be paid. The debts due to the banks belong to the people, and justice requires that those who obtained the money should return it, rather than the people at large, who did not, be made to replace it.

Propositions were submitted at the last session, and to some extent received with favor, to sell at auction the bank assets. Being decidedly opposed to that policy, I concur fully in the views submitted by the commissioners in their report to the last session on that subject. It appears evident, from the experience we have had under the operation of the bankrupt law, that little or nothing could be realised from such sales; while the collections made since the last session from the bad and doubtful debts, furnish a strong argument against them.

If the commission be continued, no additional expense will be incurred by requiring collections to be made of those debts, when opportunities occur. Indeed, when we consider the great expense to the State for the litigation that would follow such sales, and that for a mere trifle they would get into the hands of speculators, it seems to me that it would be far better for the State to relieve such debtors at once, or destroy the evidences of their debts, than to sell them out at auction as has been proposed.

Commissioners having been appointed as required by law, to examine the bank of Mobile, their report will be submitted to the general assembly early in the session. For the condition of the institution, I refer you to that report.

In conformity with the resolutions adopted at the last session, I caused to be prepared a stand of colors for the Alabama Battalion, under the command of Col. J. J. Seibels, and one for the company of mounted volunteers, commanded by Capt. J. M. Gee, during the continuance of the Mexican war. These colors were presented in the name of the State to the commanders above

named, who communicated through me, in appropriate terms, their thanks for that distinguished mark of consideration on the part of the General Assembly towards them and their fellow-soldiers. Col. Seibels proposes that the colors of the Battalion now in his possession, be deposited, together with a muster-roll of the officers and privates of his command, in one of the public offices of the State for preservation and future reference. I refer the suggestion to your consideration, hoping it may be adopted.

The act to prevent further loss and provide for the preservation of the public arms, approved February 21, 1848, has been executed by the Quartermaster General, as far as was possible in the absence of any appropriation to pay the expenses that would have attended the collecting of all the public arms at the arsenal. That officer estimates the expense at five thousand dollars. As there are already at the arsenal nearly as many arms as the building will admit of, the quotas due to this State from the United States have been suffered, on the recommendation of the Quartermaster General, to remain uncalled for, with the express understanding that they can be obtained at any time it may be considered for the public interest to receive them.

A communication was received at this Department, from the Commissioner of the General Land Office, dated August 28, 1848, stating that, as the amount proposed for the services of the Surveyor General's office in this State had been stricken out from the general appropriation bill at the late session of Congress, that office would be discontinued and the books and papers belonging to it transferred to the State within the fiscal year, under the act of Congress of June 12, 1840. Information was also received from the Surveyor General, by letter of the third of August last, that he had been instructed to deliver the books and papers to such person as might be appointed to receive them by the State.

The discontinuance of that office not having been anticipated, no provision was made for such a contingency by law, and no authority was vested in the Executive to appoint a person to receive and take charge of the books and papers. The Commissioner of the General Land Office and the Surveyor General, have been so informed. Legislation will, therefore, be necessary to designate some person to take charge of the books, maps, &c., pertaining to the survey of lands in this State, that they may be preserved for future reference.

Failing in my efforts to secure the services of some member of Congress from this State, to collect the sum due to her from the United States, for expenses incurred in raising troops for the Mexican war, and for their subsistence until mustered into service, as contemplated by the act on that subject, approved March 3d, 1848, under the authority of that act, I engaged Robert T.

Scott, Esq., who was, at the time, agent for the State, to collect the claim for expenses incurred in suppressing the Creek Indian hostilities against the United States, to attend to the collection of the claim referred to. As Mr. Scott was at Washington on his original agency, which he has since very nearly brought to a close, the compensation stipulated for his services was, on that account, fixed at a rate that otherwise would have been inadequate. He has only collected the sum of three thousand seventy-four dollars and seventy-one cents, which amount has been transferred to the Bank Commissioner, leaving still uncollected of the claim an amount in all not less than seven thousand dollars. To obtain this balance it will be necessary to establish the proof, for want of which, it was disallowed. This will subject the agent to expense and trouble, for which I recommend that he be allowed such increase of compensation as the Legislature may deem equitable. Mr. Scott has, since your last session, under his first agency, collected an additional sum of seventy-four thousand three hundred and sixty-three dollars and forty-nine cents; all of which, after deducting his commissions, has been transferred to the Bank Commissioner by the State Treasurer. An inconsiderable balance only of this claim, rejected for want of sufficient proof, remains to be collected; so that agency may be considered as well nigh closed. The success of Mr. Scott in the laborious duties connected with his agency, has been owing in a great degree to the indefatigable zeal and energy with which he has prosecuted it, and for which he is entitled to much credit.

The report of the Treasurer will inform you that he communicated to this Department, for such action as might be considered necessary to protect the interest of the State, that the sum of six thousand two hundred and twenty dollars and forty-five cents, part of the amount required from the Branch Bank at Huntsville for the support of the State Government for the year 1842, did not appear to have been received into the Treasury, though a draft for that sum had been drawn by the Cashier of that Bank on the Branch Bank at Mobile, in favor of J. C. Vandyke, late Comptroller, and received by him.

The case was referred to the attorney general, who advised the institution of a suit for the State against the Huntsville bank in the circuit court of Madison county. Suit was accordingly instituted by Silas Parsons, whose services had been engaged for that purpose; which suit has not yet terminated. Since the appointment of Silas Parsons to the supreme court bench the case has been transferred to the charge of James Robinson and S. D. Cabiness, as counsel for the State. The counsel fee, by agreement, was left to the decision of the Legislature. The other suits that have been brought in the name of the State, as mention-

ed in the report of the comptroller, are exclusively* under the direction of that officer.

Under the act authorising the appointment of a reporter of the decisions of the supreme court, approved February 22d, 1848, a reporter was appointed by the judges of that court, soon after the close of the session, and a contract made for the printing and binding, according to the provisions of the second section of that act, at fifteen hundred dollars per volume, one hundred copies of each volume to be deposited with the secretary of State, for the use of, and free from any further expense to, the State.

Under the contract four volumes have been completed, and one hundred copies of each have been so deposited. The reporter has accordingly received from the treasurer, under the act, since the last session, the sum of six thousand dollars, besides having the proprietorship of the copy-right of the volumes reported by him.

By the third section of the act, it is provided that, if no person could be employed to report on the terms specified, the judges should, out of the salaries then allowed by law, contribute such further sum as might be necessary, or be themselves the reporters as before. The salaries of the supreme court judges were by the act of 1843, by which they were required to report their decisions, reduced from twenty-six hundred dollars to twenty-two hundred and fifty dollars, so long as they continued to report the decisions of that court. The act of the last session does not, in terms, change the salaries. So far from it, a subsequent act of the same session, the appropriation act, approved March 1, 1848, appropriated to each of the judges of the supreme court twenty-two hundred and fifty dollars per annum. The power to appoint a reporter was not, however, exercised by the judges until after the Legislature adjourned, while they have been paid their salaries at the rate of twenty-two hundred fifty dollars since the appointment of reporter, as before. As the question as to the amount, whether more or less than that now paid, may involve some doubt, I suggest that an explanatory law be passed defining that amount with more certainty.

The increased expenses to the State for reporting the supreme court decisions has doubtless exceeded the anticipations of the last Legislature. I am clearly of opinion, that it is beyond a reasonable compensation for the work, leaving out of view the impolicy of paying according to the number of volumes, which might operate as a premium for the introduction of unnecessary matter in the reports, thereby increasing the number of volumes. I believe a contract could be now made to have the decisions reported by a competent person, printed and bound for the copy-right alone. If so, the State would save at the present high price

of fifteen hundred dollars per volume, one thousand dollars on each volume, or four thousand dollars in less than two years at the rate they have been published since the last appointment of reporter.

In fulfilment of the duty imposed on them by the seventh section of the act "re-organising the comptroller's and treasurer's departments," the comptroller and treasurer submitted to this department, before the first day of December last, their respective reports. An abstract of each was published according to the provisions of the act.

Under the authority vested in the executive by the thirteenth section, I appointed Charles T. Pollard and John Whiting to examine the books and accounts of the comptroller and treasurer, from the commencement of the term of the late incumbents to November 1st, 1848.

These gentlemen entered upon the duty assigned them, but finding that the object of investigation could not be accomplished without information which could only be obtained by employing an agent to visit every county in the State, to examine the books of collecting officers, and the records of courts where suits had been brought for the State, and having no authority to employ such an agent and no means of obtaining the information necessary to enable them to proceed, they discontinued the examination, and reported accordingly.

By the act, "re-organising the comptroller's and treasurer's department," "to regulate permanently the sixteenth section fund," and "to reform the evils arising from local legislation," besides others, passed at the last session, the duties of both the comptroller and treasurer have been greatly increased; the former so much so, that no one individual unassisted, can perform the necessary labors of that office in the manner the public interest requires. The Legislature having left no such power, in relation to that office, with me, I could not authorise the employment of a clerk and allow proper compensation for his services. A gentleman, however, consented to assist in the office, who, as I learn, has labored diligently, without any promise of compensation from the comptroller or myself. It is for you to determine whether or not he shall receive compensation for the necessary work he has performed.

While referring to the duties of the comptroller, I will remark that, although the act first named was designed to elevate that office, and make it efficient in all matter connected with the revenue, experience has proved that some amendment is necessary to secure that object. He has occasion frequently to call upon other State officers, such as clerks of the courts, sheriffs, tax-collectors and assessors, for indispensable information, but

there is no law making it the duty of such officers to respond to such calls, and, consequently, when called upon, they have refused to do so. He has no power to correct errors, however apparent, in settlements with tax collectors and others. It is made his duty to issue circulars, furnish formulas, &c., for the information of collectors and others, but he has no power to enforce the regulations he may deem necessary to carry out the law. For these reasons, it appears to me, the comptroller ought to be the head of the revenue system, with full power to establish and enforce the regulations necessary to carry out the law. This would ensure uniformity in its execution, which heretofore has not been the case. He should be made directly responsible to the Legislature for the performance of his duties, and all the collecting officers should be made responsible to him for the due discharge of theirs. I recommend, therefore, such amendments to the act "re-organising the comptroller's and treasurer's department," as will best remedy the evils stated above.

Before the State bank was put in liquidation, all accounts between the State and the United States were kept in that institution. Since then, no regular account of the various funds received from the United States has been kept. I therefore recommend that a law be passed requiring regular accounts to be kept by the comptroller of all such funds, and that they shall be first settled in his office, as in the case of other claims due to the State, before payment to the treasurer.

You will no doubt be appealed to, as your predecessors have been, to establish an asylum for the insane, and also for the deaf and dumb and blind. Such appeals are calculated to excite the kindest feelings of our nature, and they would have been long since, I presume, favorably considered, but for the deranged state of our finances. As the population of our State is increasing, and the class of persons thus unfortunately afflicted is becoming more numerous, the necessity for the establishment of such institutions is more and more apparent. Every feeling of humanity pleads in behalf of those whom Providence has thus been pleased to confide to the charity of their fellow men. I deem it only necessary to bring the subject to your notice, to engage in behalf of the public charities alluded to, all the consideration and aid that circumstances will allow. The cause that has prevented earlier attention to these praiseworthy objects still exists, but whether the appeals for the performance of charitable duties so imperative are not strong enough to overshadow the difficulty to which I have alluded, according to the received principles of morals, is a question that may be safely submitted to your judgment.

Under the excellent direction of the learned president and

professors of our University, that institution is believed to be in a more prosperous condition than it has been for many years. The faculty is, at present, composed of men no less eminent for their practical good sense, than for their scientific acquirements. Under their auspices the University cannot fail to attain that position of high confidence with the people of our State to which so many circumstances combine to promote it.

Feeling, as I have ever felt, a deep solicitude for the prosperity of that institution, I have attended every meeting of the board of trustees since I have been in office, though at considerable personal inconvenience. At the first annual meeting after the passage of the "act to liquidate and settle the mutual debts existing between the University and State," approved February 21, 1848, the board accepted the terms of settlement proposed in the act, and executed the relinquishment required by the second section, which relinquishment has been filed in the office of the secretary of state, as provided.

There is one regulation in the University which I feel it my duty to notice. It is known that, by a late arrangement, each county has the privilege of sending to the University one student free of any charge for tuition. Though the motive for adopting this regulation was in a high degree praise-worthy, yet practically it fails in attaining the object designed either altogether, or its advantages are confined to those who reside near the institution, for the reason, I presume, that those who are able to pay the other expenses, scarcely feel disposed to avail themselves of the exemption from the fees of tuition. It is not to be expected that the University can bear the entire expense that would attend the maintenance and tuition of one student from each county. But if, instead of the present regulation, one were adopted by which the University would receive, free from charge for board or tuition, a less number, to be selected from an equal number of districts throughout the State, the object of that regulation might be accomplished: to educate a sufficient number of young men for the useful and honorable profession of teachers, to supply the wants of the State. The accomplishment of this object would do much to establish firmly in the minds of the people the great benefits arising from the existence of such an institution in our State.

There is another subject connected with our University which I desire to present for your consideration. There is, at present, a Professorship, in that institution, of Geology, Mineralogy, and Agricultural Chemistry, under the charge of Professor Thomey, who has also received the appointment of State Geologist. The first two branches of science above specified are very important in a State like ours abounding in vast resources

of wealth, hidden beneath the surface of the soil, which has never yet been properly explored. These two would afford sufficient occupation to engross the whole time of any one man. The last branch—Agricultural Chemistry—is equally important as the others, and, in order to be made practically useful to the agricultural interest, ought to be formed into a separate department.

The agricultural interest in this State is believed to exceed in value, and in the number of persons connected with it, all the other industrial pursuits; and while the other interests, so much less important, have been more or less fostered, agriculture has been suffered to languish, until much of our fertile soil has become impoverished and unproductive, from an unskilful and injudicious system of cultivation, and many of our citizens have removed, and others are moving, from this State, in search of new lands to subject to the same ruinous system.

That the lands so worn out can be restored to their original fertility, and the system of cultivation be so improved as to maintain that fertility and increase their capacity for production, the experience of other States leaves no room to doubt. If agriculture is the ground work of all industrial prosperity, and the strength of a State depends upon the number, as well as the character, of its population, we are all interested in adopting such an improved system in the cultivation of our lands as may increase immeasurably the wealth of our State, and take away from the most useful class of our population all motive for emigration. Nine-tenths of our young men are destined to become tillers of the soil, yet we are without a school in the State where scientific agriculture is taught, when by the establishment of an agricultural school we might raise up among us a class of scientific farmers. Civil Engineering and Architecture are professions by means of which scientific information is made practical for the benefit of those who have knowledge of the science upon which either is based, and by the practice of which their professors make a respectable living. So scientific agriculture might be made a profession with us, the professors of which, by visiting farms, analysing their soil, examining their local position, superficial character, &c., might be able to place within the reach of the least enlightened of our agricultural population all the benefits of experimental science, and, in so doing, at the same time, advance their own pecuniary interest.

The best mode that occurs to me, for the accomplishment of an object so highly important, would be, that the Legislature should request the Board of Trustees of the University to establish in that institution a Professorship of Agriculture, and that connected with it there should be a farm for experiments. The

duty of such Professor might be to superintend the cultivation of the farm, with the view to determine the best mode of raising the staple and other agricultural products of the State, of protecting them from the attacks of destructive insects, testing the comparative value of the different varieties of seed, and the various modes of resuscitating the worn out lands; to deliver public lectures at stated times, and to publish an agricultural paper, in which might be reported lectures delivered, and the character and results of all experiments made. The benefits that would arise from the establishment of such a department in our University are such, it appears to me, as would authorise the State to make the appropriations necessary to defray the expenses.

The subject of common schools deserves all the consideration and encouragement it is in the power of the General Assembly to bestow. The whole theory of our form of government is based upon the capacity of the people. Without a general diffusion of intelligence among them, the machinery of a government thus constituted cannot be expected to move on successfully. The highest and most important of all the duties of a free government is to advance the cause of education, and guard against that decline of liberty which results from neglecting the minds of the people.

Unfortunately for our State, her financial condition will not allow her to do more than to make a faithful application of the fund granted by Congress for that important object. By an act of the last session, State Stock for so much of this fund as had been received from the sixteenth sections sold was required to be issued to the Townships respectively entitled to it. This has been done and the interest stipulated upon it has been paid in the mode provided.

It is to be regretted that this fund, which consists in the sixteenth section in each township, has been clogged with such conditions in the grant, that the noble end designed cannot be accomplished: that is, to provide for the education of that portion of our population who have not other means. The sixteenth sections that are at all valuable are generally in those townships where the white inhabitants are less numerous, and are generally in circumstances not requiring such aid; while the poor sections are generally found in Townships where the limited circumstances of the citizens deny their children the opportunities of education from their own means.

If the whole sixteenth section fund could, without a violation of good faith, be brought within the power of the General Assembly, I would recommend its exclusive application to the education of those who are without other means. Whether this could be done without, or even with, the consent of the present inhabitants of the respective Townships, I submit to the judg-

ment of the General Assembly. The action of that body, heretofore, in authorising the sale of the sixteenth sections with the approbation of a majority of the voters in the Townships, seems to favor the opinion that, with their consent, the fund might be made common and used exclusively for the use of those who really need it.

By an act of Congress, approved August 11, 1818, the lands, which had been granted to this State for the purposes of Internal Improvement, by a former act of the same body, entitled "an act to appropriate the proceeds of the public lands and grant pre-emption rights," approved September 4, 1811, are, by the provisions of the last act, placed at the disposal of the State, at such price as the Legislature may direct, to be applied for the use of schools in those Townships in which the sixteenth sections are comparatively valueless, and to be located within the State, in legal sub-divisions of not less than forty acres. Information has been received that instructions have been issued to the Land Offices in the State, to allow the locations in conformity with the act. It will be for you to provide, by Legislative enactment, for the location of the lands, if, in your wisdom, you determine to accept the provisions of the act of Congress referred to.

Benjamin Hudson, of Franklin county, was appointed Commissioner, on the 8th of October, 1848, under the act approved March 4th of that year, to select the school lands in lieu of the sixteenth sections within the Chickasaw Cession in this State, according to the provisions of the act of Congress on that subject, recited in the act requiring the appointment of a Commissioner. Although instructions were issued to the Commissioner, who was requested to report his proceedings to this Department, no information whatever has been received. The act of Congress authorising these locations to be made in any State or Territory where there are United States lands, having been limited to two years, another was passed at the last session, approved March 3d, 1849, extending the time three years from the date of the act. As the opportunity is thus presented, of obtaining valuable lands for a purpose so important to the citizens in that part of the State, I recommend such further legislation on the subject, as will secure the object designed.

The fees of the Judges and Clerks of the County Courts having been greatly reduced by the act, on that subject, approved February 15, 1848, many of the former resigned immediately after the adjournment of the Legislature, and, since then, resignations have been frequent. In some counties there have been several successive resignations, and, in some instances it has been found difficult to induce persons properly qualified to accept of the office. As the resignations of Clerks are filled by the Judges of the County Courts, no information in regard to that office has been received at this Department.

I understand that these offices do not generally receive, under the present law, one-third of the amount of compensation formerly realized. The abuses under the old law, were doubtless very great, and a radical reform was necessary; but, it is scarcely probable, that the Legislature, by the law of the last session, intended to reduce the fees as low as they now are, or to leave offices so important to the people of the several counties, with such meagre compensation that competent persons cannot be induced to accept of them. As it is probable that propositions will be again submitted, for the re-organization of the County Court system, I suggest such legislation on the subject of fees as will remedy the evils referred to.

The amendments proposed, by resolution of the last session, to the Constitution, to-wit: No. 1, in relation to the time of taking the census and the terms and classification of Senators; and No. 2, in relation to the mode of electing Judges of the Circuit and Inferior Courts, having been voted for by a constitutional majority of the voters of the State, if ratified by a constitutional majority of the General Assembly, such legislation will become necessary as the change of the organic law thereby created will indicate.

In accordance with the law enjoining that duty, I have visited the Penitentiary each year of my official term. I made a careful examination into the condition of the establishment, the system of discipline for the convicts, their treatment by the Lessee, and their moral culture, and on each occasion of my visit that examination proved entirely satisfactory. I have visited similar institutions, in other States, and it affords me pleasure to state that, in well-regulated economy, good order, and proper discipline, the Penitentiary of this State will compare favorably with any I have seen. The convicts appear to have been treated kindly, and to be as cheerful and contented as persons under confinement can well be.

For this humane policy on the part of the Lessee towards the unfortunate persons under his charge, it is believed he finds a substantial reward in the profits he derives from their increased industry.

The Lessee has added several valuable improvements. Two new two-story buildings have been erected; one one hundred and eighty-five and the other forty-five feet long, over the latter of which a chapel will be fitted up. The repairs necessary to preserve the main building have been completed, a steam engine has been put up, and water from an excellent spring some distance off, has been conducted into the establishment. One other building is still needed, the speedy erection of which is specially recommended by the physician, namely, a suitable hospital for the sick, the present one being "small, uncomfortable and unsafe." As the Lessee is now in arrears to the State for rent, I would

suggest that he be authorised to erect a suitable, well-ventilated hospital, the cost to be allowed out of his indebtedness.

There are now one hundred and twenty-one convicts in the Penitentiary; two years ago there were one hundred and thirty-two. They have for the last two years enjoyed unusual good health—better than at any previous time. From the 10th of February, 1848, to October 1st, 1849, as shown by the report of the physician, to which I refer you, there were only five deaths. I refer you to the report of the Inspectors for more particular information.

A change in the present law relating to that institution appears to be obviously necessary. Previous to the law authorising the leasing system, the Warden, who was a State officer having no personal interest in the labor of the convicts, was required to report upon their conduct, in order to determine upon their right to the reward for good conduct specified by law, and also that the clemency power in the hands of the Executive might be exercised in proper cases. By the law authorising the leasing of the Penitentiary, approved February 4th, 1845, the duties of the Warden were transferred, perhaps inadvertently, to the Lessee, who has a direct interest against the two months' deduction, or the exercise of the clemency power. Under the present Lessee, whose integrity and humanity are well known, no injustice may result from such a conflict between interest and duty; but, as a general rule, it would be well to guard against it.

Under the present law there are three Inspectors, who receive three dollars per day for each visit they make, and who visit the Penitentiary as a Board, once a month, one of them visiting it once a week. But these occasional visits afford only a limited opportunity of knowing any thing of the conduct or treatment of the convicts, even if to report upon the former were made their special duty. I would recommend, therefore, the appointment of one Inspector only, who should be required to live at the Penitentiary, to observe the treatment, discipline, moral culture, and conduct of the convicts, so as to secure to them their right to the two months deduction from each year in which their conduct was good, and to report also such as were fit subjects for Executive clemency. The salary of such Inspector, who from the nature of his duty ought to be appointed by the Governor, might be made equal to the aggregate amount now paid to the three Inspectors, and payable, as at present, by the Lessee.

I would recommend, also, that the law relating to the reward for good conduct be so amended that the bad conduct of a convict, at any time, should deprive him of all right to which his previous good conduct had entitled him. This would have a favorable influence in maintaining good order in the establishment.

I avail myself of this occasion to bear testimony to the ability,

zeal, fidelity and promptitude, with which the several officers connected with me have discharged their several duties.

Having thus placed before you for your consideration every subject connected with the domestic policy of the State, and the immediate interests of her people, I should feel that I had not discharged my whole duty if, before retiring from office, I did not call your serious attention to the question of Slavery in the Territories, and the action of Congress on that subject. A more important subject never presented itself to the consideration of a people; for it concerns not merely our property, but is a question of State and individual honor—of self-preservation.

It is not necessary to refer specially to the different measures proposed in the last Congress; you are well informed as to them from other sources, and have shared in that just indignation which they excited among the people of our State, and are doubtless prepared to do whatever is necessary to preserve their rights and vindicate their honor; and such action is, in my opinion, demanded of you, as will put a final stop to those aggressions, and compel the people and politicians of the North to pause and “calculate” what may be the value of the Union to THEM.

Alabama ardently desires to perpetuate the Union; she feels the dignity of her position as a member of so great and powerful a confederacy. She is not insensible to the benefits it confers, nor the glories of which it is a monument; neither can she forget that the brightest of these were achieved in *resisting oppression*. But the Union to which she became a party was a Union of equals; the compact to which she assented guaranteed to her citizens equal rights and privileges with the citizens of every other State, and she cannot submit to any action of the federal government, nor of any of its departments, nor of any unauthorized assembly in the territories or elsewhere, calculated to annihilate her equality or impair one jot or tittle of the rights of her people.

The federal government is one of limited, delegated powers; it possesses those only which are specified in the constitution, and such others as are “necessary and proper” for the *execution* of those which are granted.

The cause upon which it is attempted to graft the right to prohibit slavery defines the power of Congress over the territories to be only such as it possesses over “other property belonging to the United States”—no greater and no less; not differing in kind or degree from that which it may and does exercise over the public lands in this State. It can annex no condition to the settlement of the territories which it may not annex under the same clause to the sale of the public domain here; both are held by the same right and in the same capacity as property of the States, in trust for the benefit of each and all. The territory

and "other property" belong not to it but to the States and the people thereof, limited by the constitutional compact into which they entered, each with every other. They are the principals, the federal government the agent or trustee, and it can annex no condition to the execution of that trust not specified by its terms or prejudicial to the interests or rights of any of the principals. Having "disposed of the territory," its power under this clause is at an end, because the trust is executed.

The right of a citizen of the United States to emigrate to any of the territories is undeniable; a law which forbids his taking with him any species of property recognised and guaranteed by the constitution, being virtually a law in restraint of emigration, would be void. Nor can that condition be imposed upon them as a pre-requisite to the formation of a State. To make their own local laws and constitutions is a right inherent in American citizens; they possess them in the States where they reside, and do not lose them by change of residence; and being rights, they cannot be subject to condition.

The right of governing the territories is not derivable from the clause under which it has been claimed by the exclusionists, but is incident to the right of acquiring territory. This principle has been recognised by the Supreme Court of the United States. The right of governing is, however, in subordination to the terms and spirit of the constitution, the rights of the States and the people thereof.

This brings me to what I consider the true source of danger to the South. For I confess I do not much apprehend the passage of the Wilmot Proviso or any similar measure so directly assailing the equality of the States. It may be threatened in order to direct our attention from that point where the blow will be struck, and to reconcile us to a measure no less unconstitutional and dangerous to our liberties, but not so apparently unjust, less offensive to the State pride, and to which the attention of the people has not been so much directed. I allude to the miserable chicanery, the gross infraction of the Constitution and the fraud upon the country which is now being perpetrated in California to rob us of the territory acquired by common treasure and common blood, and thus consummate the object of the proviso by Mexican aid.

It appears from the most reliable information received from that territory, that the people, unprovided with any government, had determined to erect a provisional government to continue until Congress should provide for their wants. This, though revolutionary in its character, does not seem to have been intended in derogation of the rights of Congress, but as a measure of necessity. Their proceedings, however, were forbidden, and their intentions frustrated by the General commanding the United States troops in that quarter, not from any anxiety to

preserve the rights of those who are sovereign in the territory, but to commit a still greater outrage upon them by proclaiming the continuance of Mexican law, and himself civil governor under that law, and by the *quasi* appointment of the Secretary of War. Thus that officer combined in himself the legislative function of directing what laws should be in force with the civil, executive and military power.

Either the people of the territory are sovereign there, or the people of the States. If the former, then they have the power to form any kind of government they choose, and the conduct of that officer is a denial of the principle which lies at the base of our political system, that governments derive their just powers from the consent of the governed. If in the latter, the rights of government belong exclusively to their agents and representatives—Congress—and it is no less a flagrant violation of their rights. In this usurpation so unprecedented, it appears that he is sustained by instructions from the War Department, and acts in accordance with the opinions and advice of the President and Secretary of State.

It is beyond the competency of the President to create an office. He appoints to such offices as exist under the Constitution "or are created by law," when no other mode of appointment is provided. The Secretary has no power to appoint, unless invested with it by Congress. Without an act of Congress creating a civil governor of California, the office has no existence. It does not exist by Mexican law. To say so would be to assert that the laws of a nation extend beyond the limits of her jurisdiction, and into the jurisdiction of another nation. Laws derive their validity from being the expression of the supreme will of a State. When Mexican sovereignty over the territory ceased, the laws which emanated from it ceased also, because they were no longer the expression of the supreme will. Only such laws continue in force in a ceded country as protect the inhabitants in their natural rights of *life, liberty and property*, and they, not as of right, but by sufferance; hence the necessity of guaranteeing their enjoyment of them by treaty. The moment the treaty of cession was ratified our constitution extended over the territory and carried with it all the rights which belong under it to citizens in the States. The right of trial by jury, for instance, exists there, not by Mexican law, but in spite of it, through the constitution which guarantees it. Do not all other rights guaranteed by it exist likewise? It would certainly be the highest absurdity to contend that any law which confiscated or destroyed any property of the new sovereignty could continue. If it do, then it must not only be superior to the new sovereignty, but possess greater vitality and force than that which created it. Then it is superior to our constitution, which is the supreme law of the land, and that instrument becomes, as to California, a

nullity; to assert which is to declare our system of government, the right it confers and the duties it enforces, at an end.

But this is not all. The wrong would be incomplete if the South were not perpetually excluded. The people are therefore *directed* to enter into convention, and form a State Constitution; the times and places of holding elections appointed, the State officers, whom they are to be *permitted* to elect, designated, the salaries they are to receive limited, and the means of paying them pointed out. I will ask, incidentally, whence does this power to create offices arise? By what authority is revenue of the United States, constitutionally in the treasury, and which can only be drawn thence in consequence of "appropriations by law," thus directed from its proper uses, and expended in defraying the expenses of a government imposed upon the people and inconsistent with our Constitution?

The proclamation confers the right of voting on every free male citizen of the United States and of Upper California, and all citizens of Lower California driven to the territory in consequence of their adhesion to the Americans during the war: thus investing Mexicans, Indians and negroes resident there with the highest privilege of American citizens, and enabling them to exclude us from the territory. Thus the country, won by our arms with so great an expenditure of treasure and of blood, is to be reconquered from us by the fiction of "existing laws," and the victors, in turn, subdued by the votes of the vanquished.

The Mexican residents or citizens of California are not citizens of the United States, nor entitled to the privileges of such. Congress possesses the sole power of the naturalization of foreigners, and it must be by a uniform rule of naturalization. The treaty cannot make citizens, and does not do it, if it could; it only places those residents in the same position with foreigners who have declared their intention to become citizens. To be a citizen of the United States, it is necessary to be a citizen of some one of the States as the expression "United States" implies; there can be no citizen at large.

But the question lies deeper than this. If they were citizens, they have no power to form a government without the previous consent of Congress. Who are sovereigns? The Constitution answers the question by the use of the language "territory belonging to the United States." If the inhabitants are sovereign, then they are sovereign entirely and independent in the United States; for sovereignty is indivisible, and there cannot be two sovereignties over the same thing. But if the people of the States, in their federative capacity, are sovereign, then, for the same reason, they are so entirely, and their jurisdiction, through their representatives, Congress, is complete and exclusive. To attempt, therefore, to erect a government, either territorial or State, without the assent of Congress first given, is a violation of their rights, and is, in effect, revolution.

This was well understood by Mr. Jefferson when Louisiana was acquired from France. On the 17th of October, 1803, at an extra session, he communicated to the Senate the treaty for ratification. On the 21st, he informed both Houses of the ratification, and asked that authority might be given for the formation of a temporary government. On the 23d, Congress invested him by law, until the expiration of the session, with the power of vesting all the military, civil and judicial authority in such persons as he should direct for maintaining and protecting the inhabitants in the free enjoyment of their "liberty, property and religion," (not political rights) "unless provision for the temporary government of said territory be sooner made by Congress." On the 26th March, 1804, Congress erected the two territorial governments of Louisiana and Orleans, extended the previous act to October, 1804, when this should go into operation, and declared what acts of Congress were in force in the territories. On the 20th of February, 1811, permission was given to Orleans, and on the 8th of April, 1812, to Louisiana, to form a State government. The precedent is to the point, full and conclusive as to the exclusive jurisdiction of Congress.

The argument being against the rights of the people in California to form a State or other government, without the consent of Congress first given, the conclusion is the same, whether they establish or prohibit slavery, that they cannot constitutionally be admitted into the Union as a State.

Such a declaration may be repugnant to the views of many, but I utter it in all frankness, because my experience through life has taught me that it is better to adhere to principle in every emergency, though at the expense of some present loss, than to abandon it for the sake of a fleeting, temporary advantage. We could scarcely insist upon the observance of constitutional obligations by others, if we are reckless in violating them ourselves. To do so would place us in the wrong and rob us of that moral force which our past and present position gives us.

I have now presented to you this vital question, I hope, clearly and explicitly. There remains but the further duty of recommending to you such action as those wanton violations of our rights demand. They may be arrested if *promptly met*; but, if endured, there is no eye can penetrate the dark future that is before us, no tongue can describe the degraded condition to which we shall be reduced—serfs where we were equals, and equals only with our serfs. If I know the people of Alabama, they are prepared to resist such a consummation. There is no division of sentiment among them, and dangerous would be the spirit which, for party purposes, would represent the people composing one party as less sensitive to such wrongs and less disposed to redress them, than those of the other. We are one on this subject—one in interest, one in feeling, and one in the

determination to resist. Let us show this by our action. Let us make it known that there is a price too dear to be paid even for the Union; and we will be safe, and the Union still preserved. But to whatever result the present contest between the two sections of the Union may lead, the people of the South can never forget the stern devotion to principle and to the sacred obligations of the constitution displayed by those firm spirits at the North, who, at the sacrifice of temporary political position, have sustained the rights of the South according to the plighted faith of their fathers in the solemn compact of Union.

I recommend that provision be made by the Legislature at once for the calling of a Convention of the people of the State immediately upon the passage of the Wilnot Proviso in Congress, or any similar measure having a tendency to exclude slavery from the territories, or abolish it in the District of Columbia, or interfere with the removal of slaves from one State to another. I recommend also that provisions be made, that in any such contingency our sister States, similarly affected, be invited to unite with us in general convention to consult upon the state of the Union and the best means of preserving our common rights.

I have now discharged the duty which long established custom has imposed upon the Chief Magistrate of the State at the commencement of each session. I have endeavored to exhibit to you the operations of the State Government during my official connection with it, the condition of her affairs now, and her prospects for the future, in as brief a manner as was consistent with the variety and importance of the subjects that duty required me to notice. The great object of my study of the theory of government has ever been to ascertain the best mode of administering it, so as to advance the prosperity and happiness of the greatest number. When beset by the claims of personal interests, however powerful those interests may have been, if unsupported by the voice of the majority, I have resisted them. When sectional claims have been urged to induce me to forget my official obligations to that majority of whose will I was, for the time being, but the representative, I have turned a deaf ear to them. When assailed by talent and influence, because of my stern purpose to regard what I considered the will of the many, rather than that of the few, I have endured all such assaults, but yielded nothing of my principles. When, therefore, the time comes that the voice of the people has appointed for me to surrender the brief authority with which their confidence has honored me, I trust I can say in truth and sincerity that in my hands that authority has not been abused; and in retiring from my public duties, though stripped of official armor, I shall continue to be steeled in that of those cherished principles from which, in public or private life, I have never departed.

In closing this communication I derive no little consolation from the assurance I have that the errors I may have committed in the suggestions presented for your consideration will find a ready correction in your sound judgment and more perfect knowledge of the wishes of our constituents.

It affords me satisfaction also to know that on a thorough investigation of the affairs of the State financially and otherwise, you will find an improvement within the short period of my administration beyond your most sanguine expectations. I can, I believe, point to the pledges made when I first entered upon the duties of the office, and then leave it to those whose suffrages conferred it upon me to say whether they have not been fully redeemed.

REUBEN CHAPMAN.

Mr. Storrs moved that the message just read be laid upon the table and that two thousand copies thereof be printed for the use of the House.

Mr. Jemison moved to amend said motion by striking out "two," and inserting "five," which motion prevailed.

Mr. Humphreys called for a division of the question, which was first taken on laying the message on the table, and carried.

The question recurred on printing five thousand copies of the message, which was decided affirmatively.

And then the House adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, November 14, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to a committee on divorce and alimony when raised.

Mr. Speaker laid before the House the returns of the votes cast at the last general election upon the proposed amendments to the Constitution, together with a tabular statement showing the result in the several counties and in the State, transmitted from the Secretary of State.

Mr. N. Davis moved to refer the returns and statements to a select committee of five.

Mr. Perkins moved their reference to the committee on judiciary when raised, which motion prevailed.

Accounts was presented by Messrs. Edwards, James, Watkins, Wilson, Northcut and Lea, and referred to the committee on accounts.

Mr. Hill presented the petition of citizens of Sumter county proposing a change in the military laws, which was referred to the committee on military when raised.

Bills were introduced by :

Mr. Jemison, to incorporate the Tuskaloosa plank road company:

Mr. William Holly, to provide for the pay of grand and petit jurors for the county of Coffee :

Mr. Cooper, requiring the production of books and papers upon the trials of suits at law by parties of such suits :

Mr. A. R. Davis, to compensate witnesses attending before grand juries :

Mr. Gardner, to incorporate the Eufaula and Mobile rail road company :

Mr. Bynum, to abolish the office of general administrator for Lawrence county :

Mr. N. Davis, to divorce certain persons therein named :

Mr. Wright, to abolish and establish certain precincts therein named, and to authorise the courts of revenue and roads to abolish and establish election precincts in the several counties :

Mr. Williams, for the relief of T. M. Cunningham :

Mr. Rives, for the relief of A. S. Bibb :

Mr. Watts, to divorce Rebecca M. Bass from Charles Bass :

Mr. Rather, to abolish and establish certain election precincts therein named :

Mr. William Hendrix, to explain and amend in part the laws upon the subject of patrol duty :

Mr. Lea, in relation to the presentation of claims against the estates of deceased persons :

Mr. McLeod, for the relief of Betsy Bartlett of Pike county :

Mr. Irby, to repeal an act to provide for the inspection of bagging and rope.

Which said bills were severally read and ordered to a second reading.

Joint resolutions were introduced by :

Mr. Goldsby, in relation to the Washington Monument :

Mr. Pickett, limiting the session of the Legislature, which were severally read and ordered to a second reading :

Mr. Hall presented the petition of citizens of Autauga county in relation to certain election precincts, which was referred to the committee on privileges and elections.

Message from His Excellency the Governor, by his private Secretary, Mr. Walshe :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, Nov. 14, 1849. }

Sir: I have the honor to inform the General Assembly that a vacancy has occurred in the office of Judge of the County Court of Bibb county, by the death of the Hon. Wm. Chaddell.

I have the honor to be your obedient servant,

REUBEN CHAPMAN.

To the Speaker of the House of Representatives.

Mr. Alfred Holly introduced a bill to repeal an act entitled an act to provide for the assessment and collection of taxes, approved March 6th, 1848, which was read. The House refused to order said bill to a second reading.

A message from the Senate by Mr. Kidd:

Mr. Speaker: The Senate has adopted the following resolutions:

Resolved, That with the concurrence of the House of Representatives, the two Houses will meet in the hall of the House on Saturday next, at the hour of 12 M., to elect a judge of the county court of Bibb county.

Messrs. N. Davis, Stone, J. H. King, Thorn, M. A. King, Camp, Northcut, Turner, Whatley, and Murphy, moved to amend said resolutions by adding thereto respectively, the counties of Limestone, Pickens, Talladega, Lauderdale, Madison, Jefferson, Marion, Washington, Benton and DeKalb.

On motion of Mr. Jemison, the resolution and the proposed amendments were referred to the committee on the judiciary, with instructions to report on Tuesday next.

Mr. Northcut presented the petition of citizens of Marion county, in relation to Bylers' turnpike road, which was referred to the committee on roads, bridges and ferries.

Mr. Watts introduced the following resolution:

Resolved, That the Treasurer of State at as early a day as practicable be required to report to the House the amount of the three per cent. fund which has been received since the last investment of the stock of the State Bank of Alabama, what disposition has been made of it and how much of it is now on hand.

Resolved further, That the Treasurer, at a like early day, report to this House the amount of the two per. cent fund now in hand and undisposed of and what amount has been received since the first day of January, 1843.

Mr. Quinn offered the following resolution:

Resolved, That the Senate concurring, the two Houses will assemble in the hall of the House on Thursday next, to elect a judge of the county court for the county of Bibb.

On motion of Mr. Jemison, the resolution was referred to the committee on judiciary, with instructions to report on Tuesday next.

The hour of 12 having arrived, the House proceeded to the consideration of the orders of the day:

The bills:

To establish courts of probate, and for other purposes:

To revise and amend the attachment laws of this State:

To amend the laws in relation to garnishments:

Were severally read the second time and referred to the committee on judiciary.

The bill regulating the rate of interest in this State, was read a second time.

Mr. Hall moved to amend said bill by striking out the words "in no case exceeding ten per cent."

On motion of Mr. Walker, the bill and the proposed amendment were referred to the committee on judiciary.

The bill for the relief of John B. Clark, of Greene county, was read the second time and referred to the committee on propositions and grievances.

The bills to regulate judicial proceedings in Alabama, and to amend the law of evidence in civil suits, were read the second time, and on motion of Mr. Bridges, postponed until Monday next, and one hundred and thirty-three copies thereof ordered to be printed.

Mr. Jemison, from the select committee on rules, reported the rules of the last House, and moved their adoption. The report was concurred in, and two hundred copies of said rules ordered to be printed.

Mr. Gonder offered the following resolution, which was adopted :

Resolved, That the committee on judiciary be instructed to enquire into the expediency of reporting a bill to compel prosecutors in cases of misdemeanors to give bond and security for cost before going before the grand jury.

And then the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, November 15, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony ; also the report of the quarter master general, which was referred to the committee on military.

Bills were introduced :

By Mr. Whatley, to incorporate the Alabama and Georgia railroad company :

By Mr. Aldridge, to repeal an act to incorporate the Blountsville male and female academies, in the county of Blount, approved February 29th, 1848 :

By Mr. Bowen, to change the name of Jefferson W. Parks to that of Jefferson W. Stringfellow, and for other purposes :

By Mr. McMullen, to authorise the tax collector of Butler county to receive constables' certificates in payment of county tax, that may be employed to attend county and circuit courts of said county :

By Mr. Cooper, to explain an act therein named :

By Mr. Cooper, relative to the acknowledgment and proofs of deeds of conveyance :

By Mr. Cooper, to establish a captain's beat on the Lookout mountain :

By Mr. Alfred Holly, to authorise Charles A. Stanley, of Covington county, to make a record, and for other purposes :

By Mr. Coleman, to change the name of William B. Spur to that of William Bowen :

By Mr. Gates, to repeal in part an act therein named, and for other purposes :

By Mr. Wilson, to repeal in part an act entitled an act to compel certain persons therein named to work on public roads in Blount and Jackson counties :

By Mr. Coupland, to declare the Cahawba river a public highway :

By Mr. Camp, to provide for summoning State witnesses in certain cases :

By Mr. Ligon, to divorce Laura E. Martiniere from her husband Julius A. Martiniere :

By Mr. Walker, to divorce Louisa L. Park from her husband John L. Park :

By Mr. Lockwood, to amend an act therein named :

By Mr. Lockwood, to amend a certain act therein named :

By Mr. Edward L. Smith, for the relief of William Saulter :

By Mr. Gunter, for the relief of the widow of Churchwell Carter :

By Mr. William Hendrix, to repeal an act securing married women their separate estates, and for other purposes, approved March 1st, 1848, and to exempt the separate property of females from the debts of their husbands prior to marriage :

By Mr. Edwards, to establish an election precinct in St. Clair county :

By Mr. Crews, to divide the county of Sumter into commissioners' districts :

By Mr. Crews, to establish an election precinct in the county of Sumter :

By Mr. Hill, providing for the pay of jurors in Sumter county :

By Mr. Hill, more effectually to provide for the opening of private roads :

By Mr. Hill, to amend the act approved March 3d, 1848, to prevent the evils arising from local legislation :

By Mr. Simmons, to divorce Nancy Shehane from her husband Bartholomew Shehane :

By Mr. McGuire, to abolish and establish an election precinct in the county of Tuscaloosa :

By Mr. Cain, to authorise Richard Chilton to construct a mill-dam across Lost creek :

By Mr. Turner, to compel certain persons to work on public roads in the county of Cherokee :

By Mr. Watkins, for locating permanently the seat of justice in the county of Franklin :

Which said bills were severally read and ordered to a second reading.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution, in which they ask the concurrence of the House :

Resolved, That, with the concurrence of the House of Representatives, the two houses will assemble in the Representative hall on Monday, the 19th inst., at 12 o'clock, for the purpose of electing a judge of the supreme court to fill the vacancy occasioned by the resignation of the Honorable H. W. Collier.

Resolved, That, with the concurrence of the House of Representatives, the two houses will assemble in the hall of the House on Friday, the 16th inst., at 12 o'clock, for the purpose of counting the votes and declaring the election of the governor of this State, pursuant to the provisions of the constitution.

The House concurred in the said resolutions.

Mr. Humphreys presented the petition of Benjamin Jolly and others, praying the emancipation of Isaac Purdom, which was referred to the committee on the judiciary.

Mr. Rives presented the petition of David Hagadon, which was referred to the committee on propositions and grievances.

Mr. McGuire introduced a bill regulating the fees of the judges and clerks of the county courts of the several counties of this State, which was read and, on motion of Mr. McGuire, laid on the table, and two hundred copies thereof ordered to be printed.

Mr. Turner presented the account of Wm. D. Humphreys, which was referred to the committee on accounts.

Mr. Wilson offered a joint memorial of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to the Congress of the United States, which was read and adopted.

The hour of 12 having arrived the House proceeded to the consideration of the orders of the day :

The bills :

To incorporate the Tuskaloosa plank road company :

To incorporate the Eufaula and Mobile rail road company :

Were read a second time and referred to the committee on internal improvements :

The bills :

To provide for paying the grand and petit jurors for the county of Coffee :

Requiring the production of books and papers on the trials of suits at law by the parties of such suits:

To explain and amend in part the laws on the subject of patrol duty:

For the relief of Thos. M. Cunningham:

For the relief of A. S. Bibb:

In relation to the presentation of claims against the estates of deceased persons:

To compensate witnesses attending before grand juries:

Were severally read the second time and referred to the committee on judiciary:

The bills:

To abolish the office of general administrator of Lawrence county:

Joint resolutions in relation to the Washington Monument:

Were severally read the second time and ordered to be engrossed for a third reading:

Joint resolutions limiting the session of the Legislature, were read a second time.

Mr. Bynum moved to amend by striking out the word eight, and inserting four, which motion prevailed.

On motion of Mr. Chisolm, the joint resolutions were laid on the table:

Yeas 55; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Coupland, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Gonder, Hatcher, Heflin, William Hendrix, Hill, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, M. A. King, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McLeod, Murphy, Perryman, Reynolds, Reese, Rowe, Simmons, Stone, Swanson, Thorn, Turner, Walker, Williams, Wilson, Wright and Young—55.

Those who voted in the negative are, Messrs. Ashley, Bowen, Bridges, Bynum, Cooper, Edwards, Foscue, Goodman, Groce, Gunter, Hall, Hardwick, M. Hendricks, A. Holly, Wm. Holly, Hough, J. H. King, Lea, McMullen, Northcut, Patton, Perkins, Pickett, Quinn, Rather, Rives, Ryan, E. L. Smith, Storrs, Watkins, Watts, Whatley, and Wood.—32.

The bills:

To divorce certain persons therein named:

To divorce Rebecca M. Bass from Charles Bass:

Were severally read the second time and referred to the committee on divorce and alimony:

The bills:

To abolish and establish certain precincts therein named, and

to authorise the commissioners of roads and revenue to abolish and establish election precincts in the several counties :

To abolish and establish certain election precincts therein named : Were severally read a second time and referred to the committee on privileges and elections.

The bill for the relief of Betsy Bartlett, of Pike county, was read the second time and referred to the committee on propositions and grievances.

The bill to repeal an act to provide for the inspection of bagging and rope was read the second time, and on motion of Mr. Bridges, was referred to a select committee of three, composed of Messrs. Bridges, Crews and Lockwood.

Message from His Excellency the Governor, by his private secretary, Mr. Walshe :

EXECUTIVE DEPARTMENT, }
Montgomery, November 15th, 1849. }

Gentlemen of the Senate

and House of Representatives :

I have received during the recess of the legislature, with a request to lay them before you, copies of joint resolutions of the legislature of Missouri, in relation to the power of Congress over the subject of slavery in the District of Columbia and in the territories.

A report and joint resolutions of the legislature of New Hampshire, in relation to slavery in the District of Columbia and in the territories.

Also, from the same body, joint resolutions in relation to the present administration and the question of slavery in the territories.

Also, joint resolutions in relation to the death of the late President.

A memorial from Eli W. Whelan, of Nashville, Tennessee, in relation to the establishment of an institution for the blind in this State.

A report from C. R. Harrison, quarter master general, in relation to the preservation of public arms.

A report of R. T. Scott, Esq., in relation to the claims of the State growing out of the Creek and Mexican wars.

A memorial from the American association for the advancement of science ; and the report of the trustees of the University of Alabama.

All of which I submit to the General Assembly.

(Signed,)

REUBEN CHAPMAN.

The documents relating to slavery were referred to the committee on federal relations.

Those relating to University, to the committee on the University.

Those relating to the death of the late President, to a select committee, composed of Messrs. Bridges, Ligon, Franks, Goldsby and Creagh.

Those relating to the establishment of an institute for the blind were laid upon the table for the present.

The report of the quarter master general was referred to the committee on the military.

The report of R. T. Scott, Esq., was referred to the committee on federal relations.

The memorial of the American institute in relation to geological surveys, was referred to the committee on internal improvements.

Mr. Whatley offered the following resolution :

Resolved, That with the concurrence of the Senate, the two houses will assemble in the hall of the House, on Saturday next, at 12, M., to elect solicitors for the 7th, 9th and 12th judicial circuits.

Mr. Perkins moved to lay said resolution on the table, pending which question the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, November 16, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the following communication from the comptroller of public accounts, which was read and ordered to be laid on the table :

COMPTROLLER'S OFFICE, }
Montgomery, Ala., 15 Nov., 1849. }

HON. L. P. WALKER,

Speaker of the House of Representatives :

SIR—I deem it to be my duty to announce to you officially, as I now do, that the fund appropriated to pay the members and officers of the General Assembly has been exhausted.

I need not state the contents of section 7, article 6, of the constitution, as you are familiar with it.

I have the honor to be, respectfully, your ob't serv't,

JOEL RIGGS,

Comptroller Public Accounts.

Mr. Speaker announced the following standing committees :

Ways and Means : Messrs. Bridges, Jemison, Patton, Bynum, Lockwood, N. Davis, Reynolds, Wright and Kendrick.

Banks and Banking : Messrs. Jemison, Hall, Patton, Walker, Gazzam, M. A. King, Hill, Simmons and Northcut.

Federal Relations : Messrs. James, Gardner, Hall, Creagh, Adams, Gunter, Wood, Blevins and Foscue.

Judiciary : Messrs. Jones, Rather, R. H. Smith, Watts, Humphreys, Foscue, Pickett, Stone and Goldsby.

State Bank and Branches : Messrs. Humphreys, J. H. King, Lockwood, Lea, Goodman, Heflin, Aldridge and Hough.

Internal Improvements : Messrs. Hill, Patton, Watts, Hardwick, Adams, Storrs and J. H. King.

University : Messrs. Watts, Bynum, Gates, Goldsby, Perkins, Irby, Stone, Walker, James and Pickett.

Sixteenth Section Fund : Messrs. Rather, R. H. Smith, Baker, Gonder, Gunter, Groce, Gardner and McDonald.

Education : Messrs. Lea, William Hendrix, Groce, Foscue, Creagh, Irby, A. R. Davis, Ashley and Swanson.

Propositions and Grievances : Messrs. M. A. King, Cooper, Barrow, Gates, Crews, Brasher, Hatcher, Swanson and Hudson.

Divorce and Alimony : Messrs. Baker, Cooper, Walker, Stone, Crews, Turner, William Hendrix, Williams and Goodman.

Enrolled Bills : Messrs. Storrs, McGuire, Kennedy, Williams, McMullen, Neal, Rowe, Ryan and A. R. Davis.

Accounts : Messrs. Aldridge, Wilson, E. L. Smith, Whatley, Rives, Wright, McGuire, Reynolds and Edwards.

Agriculture : Messrs. Rowe, McDonald, Coleman, McCall, McLeod, Reynolds, N. Davis, Quinn and Sowell.

Retrenchment : Messrs. Ryan, Kennedy, Ligon, Coupland, Neal, Benbow, Cain, McCall, Quinn.

Corporations : Messrs. Blevins, Bynum, Barrow, Ligon, Hardwick, L. R. Davis, Franks, Heflin and Ashley.

State Capitol : Messrs. Rives, Simmons, Sowell, L. R. Davis, Gazzam, Brasher, Thorn, Heflin and Boon.

Military : Messrs. Wilson, Irby, Hough, Young, Hatcher, Boon, Corsbie, McCollum and Bowen.

Penitentiary : Messrs. Wood, Kendrick, Austin, Reese, Thorn, McCollum and Rives.

Privileges and Elections : Messrs. Murphy, McLeod, McMullen, Coleman, Chisolm, Camp, Cain, Austin and Madison Hendricks.

Roads, Bridges and Ferries : Messrs. Turner, Critcher, Kendrick, Corsbie, William Holly, Chisolm, Bowen, Skelton and Benbow.

County Boundaries : Messrs. Walker, Coupland, Cain, Reese, Skelton, Northcut, Critcher, Swanson and A. Holly.

Public Printing : Messrs. Edwards, Franks, Murphy, Hudson, A. Holly, Coupland, M. Hendricks, William Holly and Camp.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Bills were introduced by :

Mr. Quinn, to establish a certain election precinct therein named :

Mr. Quinn, to authorise Oliver S. Quinn to erect a dam across the Cahawba river :

Mr. Aldridge, to compensate Miles W. Abernathy for certain services :

Mr. Goodman, to compel certain persons to work on public roads in the county of Chambers :

Mr. Hardwick, to legalise a certain marriage therein named :

Mr. Ashley, to amend and extend the charter of the Alabama, Florida and Georgia rail road company :

Mr. Foscue, for the relief of Harriet Wilson :

Mr. A. Holly, to regulate the election precincts in the county of Covington :

Mr. A. Holly, for paying petit jurors in Covington :

Mr. Boon, for the relief of purchasers of lots in the town of Newton :

Mr. McCollum, for the better regulation of presentments before the grand jurors, and for other purposes :

Mr. Thorn, to repeal in part an act therein mentioned, and for other purposes :

Mr. A. R. Davis, to require the names of prosecutors to be endorsed on bills of indictment :

Mr. Patton, to establish an election precinct :

Mr. N. Davis, to repeal an act therein named :

Mr. Gonder, for the relief of C. S. Oliver :

Mr. Ligon, to enable A. A. Phillips, guardian for certain minors, to hire privately the negroes for certain minors :

Mr. Ligon, to divorce S. R. Bates from her husband Joseph V. Bates :

Mr. M. A. King, to authorise W. W. Watkins to establish a public ferry across the Tennessee river :

Mr. Williams, to repeal an act passed at the last legislature regulating the public printing in the county of Marengo :

Mr. Lockwood, to amend the charter of the city insurance company of Mobile :

Mr. Lockwood, to incorporate the Mobile musical association :

Mr. Rather, to authorise Drury Stovall, of Morgan county, to invest certain moneys of his ward, Sarah Ann Orr :

Mr. Ryan, to alter and amend the military law of this State :

Mr. Stone, for certain purposes therein named :

Mr. Hudson, to declare certain persons competent witnesses on the trial of offenders :

Mr. Cooper, to change the name of certain persons therein

named : which were severally read and ordered to a second reading :

Mr. Aldridge presented the petition of Wm. McKay :

Mr. Cain presented a petition in behalf of Wm. McKay, which was referred to the committee on propositions and grievances :

Mr. Aldridge presented the account of Lewis Copeland :

Mr. Goodman, the account of William H. Smith :

Mr. Walker, the account of Thos. B. Jones :

Which were severally referred to the committee on accounts :

Mr. Ryan introduced a bill to alter and amend the laws in relation to the exemption of property from execution, which was read and, on motion of Mr. Gardner, laid on the table.

Mr. Edwards offered the following resolution :

Resolved, That the present revenue bill, approved March 6th, 1848, is in many respects objectionable to the people of the State, that it is irregular in its operations, the meaning of some of its provisions is obscure and uncertain, that its creation of an army of office holders is unnecessary and oppressive, and that it is otherwise burdensome to the laboring classes.

Resolved, That the committee of ways and means be instructed to take into consideration the said revenue bill and report as soon as practicable a bill or bills repealing its objectionable parts.

Mr. Jemison moved to amend said resolution by way of substitute, as follows :

Resolved, That the present revenue bill, approved March 6th, 1848, in many of its provisions is objectionable to the people of the State, and that the committee on ways and means take into consideration said revenue law and report a bill or bills repealing its objectionable features at as early a day as practicable.

Mr. Walker moved to amend the amendment as follows :

Resolved, That the committee of ways and means be instructed to report to this House at an early a day as practicable, a revenue bill for the State of Alabama.

The amendment was adopted and the resolution as amended adopted.

The question recurred on motion of Mr. Perkins to lay on the table the resolution offered yesterday by Mr. Whatley to go into the election of Solicitors, and decided affirmatively.

Mr. Baker offered the following resolution, which was adopted :

Resolved, That a select committee be raised by the Speaker, to consist of seven, for the purpose of enquiring into the expediency of memorializing the Congress of the United States, to grant to each rail road company whose road is not already completed in this State, each alternate section of public land, which may be situated within ten miles of each of said roads, for the purpose of better enabling said companies to construct their roads, and report to this House.

The committee consisted of Messrs. Baker, Adams, James, Jones, Perkins, J. H. King, Gazzam and Brasher.

Mr. Camp offered the following resolution, which was adopted :

Resolved, That the judiciary committee be instructed to enquire into the propriety of consolidating suits on bills of exchange when all the parties live in the same county, so as to make but one bill of cost, with leave to report by bill or otherwise.

Mr. Davis offered the following resolution, which was lost :

Resolved, That, with the concurrence of the Senate, the two Houses will assemble in the hall of the House on Monday next, at 12 o'clock, M., to elect a Senator of the United States to fill the vacancy occasioned by the death of the Hon. Dixon H. Lewis.

Mr. Humphreys introduced joint resolutions proposing amendments to the constitution, which were read the first time and referred to the committee on the judiciary.

Mr. Bridges, from the select committee to whom was referred the bill to repeal the act to provide for the inspection of bagging and rope, reported a substitute in lieu of the original bill and recommended its adoption ; the report was concurred in.

Mr. Lea moved to amend the bill as amended by striking out all after the enacting clause, and inserting : that all the above recited act except the fifteenth section, be and the same is hereby repealed ; which motion prevailed and the bill was engrossed for a third reading.

Mr. Storrs offered the following resolution :

Resolved, That the Clerk of this House be authorised and required to contract for and procure a suitable clock to be placed in the hall of this House of Representatives.

The Senate by invitation appeared in the hall of the House and the two Houses in convention proceeded to count the votes for and declare the election of Governor of the State of Alabama for the ensuing term, when it appeared from the official returns that the following votes had been polled in the following counties :

COUNTIES.	H. W. COLLIER.	
Autauga,	642	votes.
Baldwin,	347	
Barbour,	1067	
Benton,	1603	Chilton 6, Rice 32
Bibb,	640	
Blount,	675	
Chambers,	808	
Cherokee,	1215	
Clark,	709	
Conecuh,	340	
Coosa,	1171	
Covington,	175	

COUNTIES.	H. W. COLLIER.	
Dale,.....	662	
Dallas,.....	598	
DeKalb,.....	415	
Fayette,.....	674	
Franklin,.....	1223	
Greene,.....	1123	
Henry,.....	745	
Jackson,.....	1561	
Jefferson,.....	746	
Lauderdale,.....	1509	
Limestone,.....	961	
Lowndes,.....	591	
Macon,.....	669	
Marengo,.....	959	
Marshall,.....	1000	Sutton 103
Mobile,.....	1276	Hodges 8
Monroe,.....	389	
Montgomery,.....	883	
Morgan,.....	664	
Perry,.....	1098	
Pickens,.....	1087	
Randolph,.....	985	Walker 1, Rice 1
Russell,.....	742	
St. Clair,.....	588	
Shelby,.....	685	
Sumter,.....	949	
Talladega,.....	844	Rice 331
Tallapoosa,.....	1735	Beal 89
Tuskaloosa,.....	400	
Walker,.....	513	Law 13
Washington,.....	684	
Wilcox,.....		

It appearing from the official returns that Henry W. Collier had received a majority of all the votes polled, Mr. Speaker declared him to have been duly and constitutionally elected Governor of the State of Alabama for the term prescribed by the Constitution.

The hour of 12 having arrived, the House proceeded to the consideration of the orders of the day.

Engrossed bill: To abolish the office of general administrator for the county of Lawrence:

Engrossed joint resolution in relation to the Washington Monument: Were severally read a third time and passed.

The bills:

To repeal an act to incorporate the Blountsville male and female academies, in the county of Blount:

To change the name of William B. Spur to that of William Bowen :

To declare the Cahawba river a public highway :

To repeal in part an act to compel certain persons therein named to work on public roads in Blount and Jackson counties :

To amend an act therein named :

For the relief of Wm. Saulter :

For the relief of the widow of Churchwell Carter :

To divide the county of Sumter into commissioners' districts :

To authorise Richard Chilton to construct a mill-dam across Lost creek :

To change the name of Jefferson W. Parks to J. W. Stringfellow :

Were severally read the second time and ordered to be engrossed for a third reading.

A message from his excellency the governor, by Mr. Walshe, his private secretary :

EXECUTIVE DEPARTMENT, }
Montgomery, November 15, 1849. }

Gentlemen of the Senate

and House of Representatives :

I have the honor to lay before you a list of appointments made by me since the last adjournment of the general assembly, viz :

J. J. Woodward, to be judge of the 9th judicial circuit, vice Geo. W. Stone, resigned :

M. J. Saffold, to be solicitor of the 2d judicial circuit, vice Alexander B. Forney, deceased :

Henry L. Ward, to be solicitor of the 7th judicial circuit, vice E. W. Pettis :

George L. Barry, to be judge of the county of Barbour, vice P. H. Mitchell, resigned :

R. H. Wilson, to be judge of the county court of Benton, vice J. L. Lewis, resigned :

D. M. Dorsey, to be judge of the same court, vice R. H. Wilson, resigned :

Thomas B. Shearer, to be judge of the county court of Blount, vice Wm. Musgrove, resigned :

Thomas Sherer, to be judge of the same court, vice Thomas B. Sherer, resigned :

Edward Croft, to be judge of the county court of Chambers, vice C. C. Forbes, resigned :

A. L. Millican, to be judge of the county court of Coffee, vice James Claxton, resigned :

P. D. Castillo, to be judge of the county court of Conecuh, vice A. W. Jones, resigned :

H. C. James, to be judge of the county court of Covington, vice L. J. Harrell, resigned :

A. B. Wiley, to be judge of the same court, vice H. C. James, resigned :

Samuel T. Roach, to be judge of the county court of Dale, vice D. McCrimmon, resigned :

W. S. McCarty, to be judge of the same court, vice Samuel T. Roach, resigned :

J. Astor Simmons, to be judge of the same court, vice W. S. McCarty, resigned :

Benjamin Walding, to be judge of the same court, vice J. Astor Simmons, resigned :

R. T. Brindley, to be judge of the county court of De Kalb, vice P. Naylor, resigned :

J. B. Waldron, to be judge of the same court, vice R. T. Brindley, resigned :

John B. Findley, to be judge of the same court, vice J. B. Waldron, resigned :

Richard F. Blocker, to be judge of the county court of Franklin, vice R. S. Watkins, resigned :

James Wilcox, to be judge of the county court of Jefferson, vice John F. Forrest, resigned :

H. M. Galloway, to be judge of the county court of Lawrence, vice Richard O. Pickett, resigned :

Edward Betts, to be judge of the county court of Madison, vice C. C. Clay, jr., resigned :

Samuel A. Barnes, to be judge of the county court of Marion, vice Thomas B. Walton, resigned :

James M. Adams, to be judge of the county court of Marshall, vice H. T. May, resigned :

Robert S. Gantt, to be judge of the same court, vice James M. Adams, resigned :

Randolph Ivey, to be judge of the same court, vice R. S. Gantt, resigned :

Frank Gilbreath, to be judge of the same court, vice Randolph Ivey, resigned :

Adam Felder, to be judge of the county court of Montgomery county, vice Thomas S. Mays, resigned :

Edward H. Roberts, to be judge of the county court of Marion, vice R. C. Torrey, resigned :

James M. Sowell, to be judge of the same court, vice Edward H. Roberts, resigned :

Zach. Nabors, to be judge of the county court of Pickens, vice L. A. Gilkey, resigned :

Byrd Fitzpatrick, to be judge of the county court of Pike, vice H. H. Manning, resigned :

John M. McClanahan, to be judge of the county court of Shelby, vice W. G. Bowdon, resigned :

Bolivar Eason, to be judge of the county court of Talladega, vice H. W. W. Rice, resigned :

Mathew Lyle, to be judge of the county court of Tallapoosa, vice Leroy Gresham, resigned :

All of which I submit to the General Assembly.

(Signed)

REUBEN CHAPMAN.

The bills :

To explain an act therein named :

To repeal an act securing to married women their respective estates, and for other purposes, approved March 1st, 1848, and to prevent the separate property of females from the liability of debts of their husbands prior to marriage :

Providing for the pay of jurors in Sumter county :

To provide for summoning State witnesses in certain cases :

To repeal in part an act therein named, and for other purposes :

To authorise C. A. Stanley, of Covington county, to make a record, and for other purposes :

Relative to the acknowledgment of proof of the execution of conveyances :

To authorise the tax collector of Butler county to receive constables' certificates in payment of county tax :

Were severally read the second time and referred to the committee on the judiciary.

The bill to incorporate the Alabama and Georgia rail road company was read the second time and referred to the committee on internal improvements.

The bills :

To establish a captain's beat on the Lookout mountain, in Cherokee county :

To establish an election precinct in Sumter county :

To abolish and establish an election precinct in the county of Tuscaloosa :

To establish an election precinct in St. Clair county :

Were severally read a second time and referred to the committee on privileges and elections.

The bills :

To divorce Laura E. Martiniere from her husband, Julius A. Martiniere :

To divorce Louisa L. Park from her husband, John G. Park :

To divorce Nancy Shehane from her husband, Bartholomew Shehane :

Were severally read the second time and referred to the committee on divorce and alimony.

The bill to amend a certain act therein named :

Was read the second time and referred to a select committee composed of the delegation from Mobile.

The bill the more effectually to provide for the opening of private roads:

Was read the second time and referred to the committee on roads, bridges and ferries.

The bill to compel certain persons to work on public roads in the county of Choctaw:

Was read the second time and referred to the committee on roads, bridge and ferries.

The bill to amend an act approved March, 1848, to prevent the evils arising from local legislation:

Was read the second time, and Mr. Storrs moved to amend as follows:

That the commissioners' court of the several counties of this State shall have power to abolish and establish election precincts in their respective counties:

On motion of Mr. Hall, the bill and the amendment were referred to a select committee composed of Messrs. Hall, Storrs and Hill.

The bill locating permanently the seat of justice of the county of Franklin:

Was read the second time and referred to a select committee composed of the delegation from Franklin county.

Mr. Hall offered the following resolution, which was adopted:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of abolishing the office of assessor and of confining the duties of that office on the tax collector:

Resolved, That they be likewise instructed to enquire into the expediency of paying tax collectors by salary rather than by fees.

The House then adjourned until to-morrow, 10 o'clock.

SATURDAY, November 17th, 1849.

The House met pursuant to adjournment.

Robert H. Smith, a representative elect from the county of Sumter, appeared in the hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House the biennial report of the comptroller of public accounts.

Mr. N. Davis moved to lay the report on the table and to order two thousand copies of the same to be printed for the use of the House.

On motion of Mr. Storrs, "five thousand" copies were ordered, and the motion prevailed.

Bills were introduced:

By Mr. Gardner, to repeal a certain act therein named:

By Mr. McMullen, for the relief of Holden Preslar:

By Mr. McMullen, to reduce the license to retail spirituous liquors in this State :

By Mr. Holly, to repeal an act therein named :

By Mr. Creagh, for the relief of the heirs of T. R. H. Wiggins :

By Mr. Northcut, repealing the acts giving tax fees to attorneys in certain cases :

By Mr. Gunter, for the relief of M. S. Pickston :

By Mr. Gunter, to emancipate John Hassell :

By Mr. McLeod, to abolish and establish an election precinct :

By Mr. Heflin, to more effectually guard and protect personal property, and to prevent taking possession by power or violence.

By Mr. Edwards, to provide for making out the boundary line between the counties of Shelby and St. Clair :

By Mr. Simmons, to extend the time of the circuit court of Talapoosa county to two weeks :

By Mr. Cain, to declare Lost and Wolf Creeks in the county of Walker, public highways :

By Mr. Turner, to abolish and establish precincts in Choctaw county :

By Mr. Ligon, to alter the law upon the subject of dower :

Which were severally read and ordered to a second reading.

Mr. Wilson presented the account of John F. Cowan, which was referred to the committee on accounts.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution :

Resolved, That a committee of three be appointed to act with a committee appointed by the House, to examine the returns of the different counties to ascertain the number of legal votes given on the 1st Monday in August, 1849, for and against the proposed amendment to the constitution of Alabama, and report the same, and that such committee also report what farther action may be necessary. Messrs. Murphy, Beckett and Stewart, composed said committee.

The Senate have originated and passed a bill for the temporary relief of tax collectors.

Messrs Barrow, Kennedy and Ryan, composed House committee.

The above resolution was concurred in, and the said bill read and ordered to a second reading.

Mr. Brasher presented the petition of John Custin, *et al*., which was referred to the committee on propositions and grievances.

Mr. Cooper offered the following resolution, which was adopted :

Resolved, That the committee on sixteenth section be and they are hereby instructed to ascertain the quantity of land granted to this State by an act of Congress entitled an act to authorise the

State of Alabama to apply certain lands heretofore granted to that State for internal improvements, for the use of schools in the valueless sixteenth sections in said State, approved August 11th, 1848; that they be also instructed to inquire into the easiest, best and cheapest mode of locating said lands; also, the probable value of said lands; also, the expediency of reducing the price of the same, and of granting the right of pre-emption to actual settlers thereon, and to persons wishing to purchase the same for the use and benefit of their farms contiguous to said lands; and of granting purchasers and actual settlers a credit on the purchase money, of one, two, and three years, bearing interest from date, at the rate of six per cent. per annum; and also, to inquire into the expediency of prohibiting speculations in said lands, by requiring from those wishing to purchase said lands, (except the description of persons aboved specified,) to make cash payments at the time of purchase; and also, to inquire into the expediency of prohibiting the sale of any such land as may adjoin other lands on which farms are located, unless upon proof that notice has been given to the owner of said farm of the application to purchase said adjoining land, except the person wanting the same for actual settlement; and if the person so notified shall appear and apply to purchase said lands, such persons shall have the preference; and to report at an early day as practicable, by bill or otherwise.

Mr. Watts offered the following resolutions, which were adopted:

Resolved, That the committee on internal improvements be instructed to inquire into, and report to this House at an early day, the propriety of having made a thorough and complete geological, mineralogical and agricultural survey of the State.

Resolved, That said committee inquire farther and report at an early day, what amount of appropriation it will probably require to complete said survey.

Resolved, That said committee, if in their opinion it is expedient now to make said survey, report a bill of the accomplishment thereof.

Mr. Patton offered a joint memorial to the Congress of the United States, asking a grant of land for school purposes, which was read and referred to the committee on sixteenth section fund.

Mr. Creagh offered the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will meet in the hall of the House on Monday, the 19th of November, at 11 o'clock, A. M., to elect a solicitor for the 9th judicial circuit.

Mr. Gonder moved to amend the resolution by including therein the second judicial circuit, when, on motion of Mr. Baker, the resolution and amendment were laid on the table.

A message from the Senate by Mr. Kidd :

Mr. Speaker: The Senate has adopted the following resolution :

Resolved, That, with the concurrence of the House, the joint resolution to go into an election of judge of the supreme court of the State of Alabama be rescinded.

Mr. Jemison moved to amend the resolution as follows :

Resolved, That the said election be postponed until Wednesday next, at 12, M.

Mr. Nathaniel Davis moved to lay said amendment on the table, which motion was lost.

A point of order having arisen, Mr. Speaker decided the amendment of Mr. Jemison to be in order, from which decision Mr. Davis appealed. The question, shall the decision of the chair stand as the decision of the House, was decided in the affirmative. Yeas 84 ; Nays 6.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Baker, Benbow, Boon, Bowen, Brasher, Bridges, Bynum, Cain, Camp, Chisolm, Coleman, Cooper, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, Wm. Hendrix, A. Holly, Wm. Holly, Hough, Hudson, Humphreys, Irby, Jemison, Jones, James, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Patton, Perkins, Perryman, Pickett, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, Sowell, E. L. Smith, R. H. Smith, Storrs, Swanson, Turner, Watkins, Watts, Whatley, Wilson, Wood, Wright and Young.

Those who voted in the negative are, Messrs. Ashley, Barrow, N. Davis, Foscue, Hill and Quinn.

The question recurred on the adoption of Mr. Jemison's amendment. Mr. Hall moved to amend the amendment by striking out Wednesday and inserting Saturday, which motion was, on motion of Mr. M. A. King, laid on the table.

The question again recurred on Mr. Jemison's amendment, which was adopted. Yeas 52 ; Nays 40.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Bowen, Brasher, Cain, Camp, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Franks, Gonder, Gates, Gazzam, Goodman, Gardner, Groce, Gunter, Hatcher, M. Hendricks, Wm. Hendrix, A. Holly, Wm. Holly, Jemison, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McMullen, Murphy, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Ryan, E. L. Smith, Storrs, Swanson, Watkins, Watts, Williams, Wilson, Wright and Young—52.

Those who voted in the negative are, Messrs. Speaker, Adams,

Aldridge, Austin, Barrow, Boon, Bridges, Bynum, Coleman, Crews, Corsbie, N. Davis, Edwards, Foscue, Goldsby, Hall, Hardwick, Heflin, Hill, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, J. H. King, McGuire, McLeod, Perryman, Quinn, Simmons, Sowell, R. H. Smith, Stone, Thorn, Turner, Whatley and Wood—40.

The hour of 12 having arrived, the House proceeded to the consideration of the orders of the day.

Engrossed bills :

To repeal an act to incorporate Blountville male and female academies, in the county of Blount, approved February 29, 1849 :

To change the name of William B. Spur to that of William Bowen :

To change the name of Jefferson W. Park to that of Jefferson W. Stringfellow, and for other purposes :

To authorise Richard Chilton to construct a mill-dam across Lost creek :

For the relief of the widow of Churchwell Carter :

For the relief of William Saulter :

To amend an act to prevent the storage of gunpowder in larger quantities than one hundred pounds in the city of Mobile, approved March 6th, 1848 :

To repeal in part an act to compel certain persons therein named to work on public roads in Blount and Jackson counties :

To repeal an act to provide for the inspection of bagging and rope.

Mr. Bridges moved to amend said bill by engross ryder as follows :

Provided, That this act shall not operate so as to impair the rights or release the liabilities of any person or persons which may have accrued during the existence of the act hereby repealed.

Said engross ryder was read the first and second times and adopted.

And the above bills were severally read the third time and passed.

Engrossed bill to divide the county of Sumter into commissioners' districts was read the third time and referred to a select committee composed of the delegation from Sumter county.

Engrossed bill to declare the Cahawba river a public highway was read the third time and referred to the committee on internal improvements.

The bills :

To establish a certain election precinct therein named ;

To regulate election precincts in the county of Covington ;

To establish an election precinct ;

Were severally read the second time and referred to the committee on privileges and elections.

The bills ;

For paying petit jurors for the county of Covington ;

For the relief of purchasers of lots in the town of Newton ;

Changing the name of a certain person therein named ;

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

To legalise a certain marriage therein named ;

For the relief of C. T. Oliver ;

Were severally read the second time, and the constitutional rule being suspended, were read the third time and passed.

The bills :

To require the names of prosecutors to be endorsed on bills of indictment :

To repeal an act therein named :

To enable A. A. Phillips, guardian for certain minors, to hire property, the negroes belonging to said minors :

To amend the charter of the city insurance company of Mobile :

To declare certain persons therein named competent witnesses on the offenders :

To authorise Drury Stovall to invest certain moneys of his ward, Sarah Ann Orr :

Were severally read the second time and referred to the committee on the judiciary :

The bill to compensate Miles W. Abernathy for certain services therein named, was read the second time and referred to the committee on the State Capitol.

The bill to authorise Oliver S. Quinn to erect a dam across the Cahawba river, was read the second time and referred to the committee on internal improvements.

The bill to repeal an act to compel certain persons to work on roads in the county of Chambers, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to amend and extend the charter of the Alabama, Florida and Georgia rail road company, was read a second time.

Mr. Ashley moved to refer said bill to a select committee composed of the counties on the line of said proposed road.

Mr. Gates moved to refer said bill to the committee on internal improvements, which motion prevailed.

The bill for the relief of Harriet Wilson, was read the second time and referred to the committee on propositions and grievances.

The bill for the better regulation of presentments before grand juries, was read the second time.

Mr. Cooper moved to amend said bill as follows :

The bill and the proposed amendments were referred to the committee on the judiciary.

The bill to repeal in part an act therein mentioned, and for other purposes was read the second time and referred to a select committee composed of the delegation from the county of Franklin.

The bill to divorce S. J. Bates from her husband J. V. Bates, was read the second time and referred to the committee on divorce and alimony.

The bill to authorise W. W. Watkins to establish a public ferry across the Tennessee river, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to repeal an act passed at the last session of the Legislature to provide for the public printing in the county of Marengo, was read the second time and referred to the committee on public printing.

The bill to incorporate the Mobile musical association, and for other purposes therein shown, was read the second time and referred to the committee on corporations.

The bill to alter and amend the military laws of this State, was read the second time and referred to the committee on the military.

A message from His Excellency the Governor, by Mr. Walshe :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, Nov. 17, 1849. }

Gentlemen of the Senate

and House of Representatives :

I have the honor to lay before you the following reports made to this department, together with the accompanying documents :

A report of the inspectors of the penitentiary, together with the accompanying documents.

A report from the chaplain of the penitentiary, made to the inspectors.

A report from the physician of the penitentiary.

All of which are submitted to the General Assembly,

REUBEN CHAPMAN.

The said reports were referred to the committee on the penitentiary.

Mr. Gardner offered the following resolution, which was adopted :

Resolved, That the committee on military be instructed to enquire into the propriety of abolishing all the militia laws of this State, with leave to report by bill or otherwise.

Mr. Hall offered the following as an amendment to the rules of this House :

That the Speaker of the House is hereby authorised and required to appoint a standing committee to consist of nine, which shall be known and designated as a committee on general laws.

Said amendment lies over one day.

And then the House adjourned until Monday morning, 10 o'clock.

MONDAY MORNING, Nov. 19th, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Also, the biennial report of the State Treasurer, which was referred to the committee on public printing.

Mr. Wood offered a resolution for the pay of tales jurors of the county of Autauga, which was read and ordered to a second reading.

Mr. Goodman moved to reconsider the vote by which, on Saturday last, the biennial report of the comptroller was ordered to be printed, which motion prevailed.

Mr. Foscue offered the following resolution, which was adopted :

Resolved, That the comptroller's report be referred to the committee on public printing, which committee shall confer jointly with the Senate committee, and report such parts as may be thought material to be printed.

On motion of Mr. Storrs, Mr. Gardner was added to the committee on public printing.

Mr. Gardner introduced a bill to repeal in part an act therein named, which was read and ordered to a second reading ;

Also, a bill to change the name of the county of Benton in this State, which was read the first time.

Mr. Whatley moved the indefinite postponement of the bill.

Mr. Perkins moved its postponement until the second Monday in December, which motion was lost.

Mr. Ligon moved to lay the bill on the table, which motion was lost. Yeas 42 ; Nays 53.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Barrow, Benbow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Crews, Corsbie, Edwards, Foscue, Goodman, Gonder, Hardwick, M. Hendricks, Wm. Hendrix, Hough, Hudson, Humphreys, Irby, Kendrick, J. H. King, M. A. King, Lea, Ligon, McDonald, McGuire, Murphy, Northcut, Perryman, Reynolds, Rowe, Skelton, Simmons, Sowell, Storrs, Swanson, Wilson and Wright — 42.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Gazzam, Goldsby,

Groce, Gunter, Hall, Hatcher, Heflin, Hill, A. Holly, Wm. Holly, James, Jamison, Jones, Kennedy, Lockwood, McCollum, McMullen, McLeod, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Rives, Ryan, E. L. Smith, R. H. Smith, Stone, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wood and Young—53.

The question recurred on the motion of Mr. Whatley, which prevailed. Yeas 51; Nays 43.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Crews, Corsbie, Edwards, Franks, Foscoe, Goodman, Hardwick, M. Hendricks, Hudson, Humphreys, Irby, Kendrick, Kennedy, J. H. King, M. A. King, McDonald, McGuire, McLeod, Murphy, Northcut, Patton, Perryman, Quinn, Rather, Reynolds, Rowe, Skelton, Simmons, Sowell, E. L. Smith, Stone, Storrs, Thorn, Turner, Whatley, Williams, Wilson, Wood, Wright and Young—51.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Groce, Gunter, Hall, Hatcher, Heflin, Wm. Hendrix, A. Holly, Wm. Holly, Hough, James, Jamison, Jones, Lockwood, McCall, McCollum, McMullen, Perkins, Pickett, Reese, Rives, Ryan, R. H. Smith, Swanson, Walker, Watkins and Watts—43.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution :

Resolved, That a committee be appointed on the part of the Senate to act with a similar committee on the part of the House, whose duty it shall be to examine the offices of comptroller and treasurer, and report the condition of each to the present General Assembly.

Messrs. Storrs, Frazier and Edwards composed the Senate committee.

The Senate has originated and passed a bill to provide for paying jurors in justices' courts in Blount county.

The Senate concurs in the amendment of the House to the resolution of the Senate proposing to elect a supreme court judge on this day at 12. M.

Mr. Speaker laid before the House the report of Francis S. Lyon, Esq., commissioner and trustee of the State bank and branches, which was read, and on motion of Mr. Watts, laid on the table and seven thousand five hundred copies thereof ordered to be printed.

On motion of Mr. Bridges, the message of His Excellency the Governor, was taken from the table and made the special order of the day for to-morrow at 12, M.

And then the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 20, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House two records of divorce, which were referred to the committee on divorce and alimony.

Bills were introduced :

By Mr. Young, to provide for the establishment of election precincts and the election of county treasurer and county surveyor by the qualified voters of Benton county :

By Mr. Skelton, to regulate the liability of persons to work on public roads in Benton county :

By Mr. Quinn, to allow O. S. Quinn, late sheriff of Bibb county, certain fees for services rendered by him :

By Mr. Cooper, to abolish the several county courts of this State, and for other purposes :

Which said bills were severally read and ordered to a second reading.

Mr. Jones, from the committee on the judiciary, (by leave) made the following report :

The committee on the judiciary, to whom was referred the resolution of the Senate communicated to the House of Representatives on the 14th inst., for proceeding to the election of a judge of the county court of Bibb county, on Saturday next, and also a resolution of the House to proceed to the election of a judge for the county court of said county, on Tuesday next, with instructions to report on this day, have had the same under consideration, and instruct me to report :

That in order to determine on the propriety of the legislature proceeding to elect judges during the present session, your committee were under the necessity of inquiring into the effect which the adoption of the proposed amendments of the constitution, giving the election of judges to the people, would have in the terms and times of office of judges who might be elected by the legislature at this session.

The very limited time within which your committee were required to report on this subject, as well as the pressure of other business, will prevent your committee from stating in this report the reasoning on which the conclusions arrived at by the committee are founded, or the arguments by which they are sustained.

It is deemed sufficient to state simply and concisely the opinion of the committee on the several points involved in this question :

1. The resolutions for amending the constitution so as to give the election of judges of the circuit and inferior courts to the

people not yet having been ratified as the constitution requires, there can be no doubt but the legislature has as yet the same power to elect such judges as it has heretofore had, and it will continue to have that power until it shall duly ratify the proposed amendments.

2. It is equally clear that the power of the legislature to elect such judges will cease immediately on its ratifying said proposed amendments to the constitution.

3. Your committee are of the opinion that judges of the circuit or inferior courts now in office, or which may be elected by this legislature prior to its ratification of the proposed amendments, would only hold their offices until the time of the first general election of judges by the people under these amendments, and that their terms of office would then expire.

4. Your committee are also of the opinion that after the ratification of the proposed amendments, the governor would have the power to fill, by executive appointment, any vacancy that might occur in the office of judge of the circuit or inferior courts. If these conclusions be correct, there is no reason to fear that any interruption of the administration of justice would arise from vacancies in the offices of judges; for if the legislature should think proper to refrain from electing judges to fill vacancies that may have occurred since the last session of the legislature, the governor, after the ratification of the proposed amendments, would have power to fill any such vacancies by executive appointment.

On the other hand, there is no reason why the legislature should refrain from exercising the undoubted power it now has of electing such judges, from any apprehension that judges so elected would have the right to hold their offices beyond the time of the first election of judges by the people. The only remaining question is whether the legislature should provide to fill, by election, such vacancies in office of judge as have arisen since the last session of the legislature, or should refrain from making such elections, and thus leave such vacancies to be filled by executive appointment. And in the opinion of the committee, it is proper and expedient that the legislature should fill such vacancies by election.

Your committee, therefore, respectfully recommend that the legislature, before ratifying the proposed amendments of the constitution, should proceed to the election of judges of the circuit and inferior courts, in all cases where vacancies exist or have arisen since the last session of the legislature.

The time specified in the resolution for holding the election of a judge of the county court of Bibb having expired, your committee respectfully recommend that the joint resolution from the

Senate be amended by striking out the words Saturday next, at 12 o'clock, and inserting in lieu thereof, such other day as may be deemed most proper, and that the other resolution be laid on the table.

All of which is respectfully submitted.

WM. G. JONES, Chairman.

The above report was concurred in, and Wednesday, the 21st inst., inserted. The amendments moved on Wednesday last to said resolution were adopted, and the resolution further amended by adding the counties of Marshall, Barbour, Chambers and Blount, and the resolution of the Senate as amended was concurred in.

The hour of 12 having arrived, the House resolved itself into a committee of the whole on the governor's message, Mr. Cooper in the chair. After some time spent in deliberation, the committee rose and through their chairman reported the following resolutions, which were adopted:

Resolved, That so much of the governor's message as refers to the financial condition of the State and raising a revenue for the same, be referred to the committee on ways and means.

2. That so much as relates to the death of the late President, James K. Polk, be referred to a select committee raised on that subject.

3. That so much as relates to the expense of the State government and relieving the State treasury from the payment of claims for keeping State prisoners, be referred to the committee on retrenchments.

4. That so much as relates to taking the State census, be referred to a select committee of three to be raised by the Speaker.

5. That so much as refers to internal improvements within this State, the organization of a board for that purpose, and the disposition of the two and three per cent. fund, be referred to the committee on internal improvements.

6. That so much as relates to the establishment of a bank, be referred to the committee on banks and banking.

7. That so much as relates to the State bank and branches and the bank of Mobile, be referred to the committee on State bank and branches.

8. That so much as relates to the proposition to deposit the stand of colors presented to the Alabama battalion, and the muster roll of the same, in one of the public offices of this State, be referred to the committee on the State capitol.

9. That so much as relates to the discontinuance of the surveyor general's office and the preservation of books, maps, &c. pertaining to the survey of lands in this State, be referred to the committee on the State capitol.

10. That so much as relates to the agency appointed to settle the accounts with the United States in relation to the two and three per cent. fund, and the balance due incurred by the expenses of this State in raising troops for the Mexican war, be referred to the committee on federal relations.

11. That so much as relates to reporting and publishing the decisions of the supreme court of this State, and stipulating the counsel fee in cases of the State vs. the Huntsville bank, be referred to the committee on the judiciary.

12. That so much as relates to services rendered by a clerk in the comptroller's department, be referred to the committee on propositions and grievances.

13. That so much as relates to the comptroller's and treasurer's department, be referred to the committee on ways and means.

14. That so much as relates to the establishment of an assylum for the insane, also for the deaf, dumb and blind, be referred to a committee of five to be appointed by the chair.

15. That so much as relates to changing the present regulation of gratuitous tuition alone to one in each county in this State, so as to educate gratuitously in the State University a certain number selected from districts for teaching, also for the establishment of a professorship of agriculture, be referred to the committee on the University.

16. That so much as relates to the common schools, also the location of land under the act of Congress of 1848, for the use of schools in townships where the sixteenth sections are valueless, and so much as relates to the selection of school lands in lieu of the sixteenth section in Chickasaw cession, be referred to the committee on education.

17. That so much as relates to the amendments of the constitution by resolution of the last session of the General Assembly, be referred to the committee on the judiciary.

18. That so much as relates to the erection of a hospital in the penitentiary of this State, a change in the mode of reporting and rewarding the conduct of convicts, and the appointment of inspectors, shall be referred to the committee on the penitentiary.

19. That so much as relates to the sixteenth section fund, be referred to the committee on that subject.

20. That so much as relates to the action of the federal government, be referred to the committee on federal relations.

21. That so much as relates to State bonds, be referred to the committee on State bank and branches.

Mr. Jones from the committee on the judiciary to whom was referred the tabular statement of the vote of the amendments to the constitution, and the message of His Excellency the Governor in relation to the popular vote on the same subject, reported the

same back to the House, and recommend their reference to the joint select committee heretofore raised.

The report was concurred in.

On motion of Mr. Bridges, the resolution offered by Mr. Creagh on the 14th inst., to elect a solicitor for the 9th judicial circuit, was taken from the table.

Mr. Perkins moved to amend the resolution by striking out the words, Monday, the 19th inst., which motion prevailed.

Mr. Ligon moved to fill the blank with the 28th inst., which was lost.

Mr. Perkins moved to fill the blank with the 26th inst., which was lost, also with the 23d inst., which was also lost; when on motion of Kennedy the blank was filled with the 22d inst.

Mr. Heflin offered the following resolution as a substitute for the resolution of the Senate, which was adopted:

Resolved, That with the concurrence of the Senate, the two houses will meet in the hall of the House on Tuesday, the 22d inst., at 12, M., to go into the election of solicitors for the 2d and 9th judicial circuits.

And the resolution as thus amended was adopted.

The bill regulating the fees of the judges and clerks of the county courts of the several counties of this State, which had been heretofore ordered to be printed, was ordered to a second reading.

Mr. Edwards, from the committee on public printing, to whom was referred the bill to repeal an act to provide for the public printing in the county of Marengo, reported the same back without amendment.

The bill was ordered to be engrossed for a third reading.

Mr. Baker presented the petition of Riley F. Perdue, which was referred to the committee on proposition and grievances.

Mr. Jones, from the committee on judiciary, to whom was referred the resolution requiring said committee to enquire into the expediency of reporting a bill to compel prosecutors in cases of misdemeanor, to give bond and security for cost before going before the grand juries, reported adversely to the proposition.

Mr. Storrs moved to lay the report on the table, which motion was lost.

Pending the question of concurrence in the report,

The House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, November 21st, 1849.

The House met pursuant to adjournment.

Bills were introduced:

By Mr. William Holly, to authorise Hosea Holly to erect two gates on a certain public road therein named:

By Mr. Ashley, for the relief of David Peebles of Conecuh county :

By Mr. Boon, to repeal an act approved Feb. 25th, 1848 :

By Mr. Boon, to repeal an act approved Jan. 26th, 1848 :

By Mr. Blevius, to change the name of Martha A. Bates :

By Mr. Blevins, for the relief of Nelson Parsons :

By Mr. McCollum, to incorporate the Sipsey river navigation company :

By Mr. McCollum, to establish election precincts therein named :

By Mr. Wilson, to regulate the pay of certain officers in this State :

By Mr. Coupland, to constitute a company or beats in the county of Jefferson, with a less number of privates than forty :

By Mr. N. Davis, to legalise a certain marriage therein named, and for other purposes :

By Mr. Ligon, to establish an additional precinct in the county of Macon :

By Mr. Ligon, to authorise the joining of the representatives of deceased persons, in the same action with the survivor :

By Mr. Patton, to regulate the business of banking :

By Mr. M. A. King, for the relief of R. W. Cottal :

By Mr. Northcut, to repeal an act to authorise the same individual to hold the office of clerk of circuit and county courts of Marion county :

By Mr. Adams, for the relief of James M. Gee :

By Mr. Critcher, to attach a number of eighty one to the eightieth brigade, and for other purposes :

By Mr. Gazzam, to incorporate the southern bank of the State of Alabama :

By Mr. Rives, to incorporate a volunteer company therein named :

By Mr. Rather, to define more particularly the corporate limits of the town of Decatur, in the county of Morgan, and for other purposes therein named :

Were severally read and ordered to a second reading.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution :

Resolved, That with the concurrence of the House, the two houses will meet in convention on Tuesday next, at 12, M., to elect a solicitor of the seventh judicial circuit.

The Senate concurs in the amendment of the House to the resolution of the Senate, proposing to elect a judge of the county court of Bibb county, and have amended said amendments by striking therefrom the county of Barbour.

The said amendments were concurred in.

Accounts were presented by :

Mr. Murphy, in favor of Estie Hutcherson :

Mr. Wilson, in favor of William A. Green :

Mr. Hough, in favor of James N. Francis :

Mr. Patton, in favor of M. C. Galloway :

Mr. Adams, in favor of William O. Winston :

Which were severally read and referred to the committee on accounts.

Mr. Gates presented the petition of sundry citizens of Pickens county, praying to be attached to the county of Greene, which was referred to the committee on boundaries.

Mr. M. A. King presented the petition of citizens of township 4, range 2, w., which was referred to the committee on the sixteenth section fund.

The Senate, by invitation, appeared in the hall of the House, and the two houses in convention proceeded to the election of a judge of the supreme court to fill the vacancy occasioned by the resignation of the honorable H. W. Collier.

Silas Parsons alone being in nomination, who having received all the votes cast, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the supreme court of the State of Alabama, for the time prescribed by the constitution.

2d. Judges of the county courts for the counties of :

Pickens—Martin Luther alone being in nomination :

Madison—Frederick Tate alone being in nomination :

DeKalb—John B. Findley alone being in nomination :

Limestone—W. H. Walker alone being in nomination :

Talladega—Bolivar Eason alone being in nomination :

Marshall—Frank Gilbreath alone being in nomination :

Blount—James Kendrick alone being in nomination :

Jefferson—James Wilcox alone being in nomination :

Chambers—Matthew Phillips alone being in nomination :

Marion—Samuel A. Barnes alone being in nomination :

Washington—Daniel Coleman alone being in nomination :

Benton—D. William Dorser alone being in nomination :

Bibb—Henry D. Calhoun alone being in nomination :

Who having each received all the votes given for the judgeships of the county courts for their respective counties, as above set forth, were declared by Mr. Speaker to have been duly and constitutionally elected as above, for the term prescribed by the constitution.

A judge for the county court of the county of Lauderdale. Luther T. Thurston and Wm. B. Wood being in nomination.

Those who voted for Mr. Thurston are, Messrs. President, Beckett, Brindly, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Judge, Kelly, Martin, Matthews, McLemore, Storrs, Ware, Wil-

son and Winston, of the Senate—18. Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Cain, Camp, Coleman, Cooper, Coupland, Crews, Critcher, Corsbie, Nathaniel Davis, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, Madison Hendricks, Hill, Hudson, James, Kendrick, Kennedy, J. H. King, M. A. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rowe, Skelton, Simmons, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright, of the House of Representatives—50.

Those who voted for Mr. Wood are, Messrs. Buford, Gunn, Manning, O'Neal, Stevenson, Stewart, Tarrant and Watrous, of the Senate—8. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Chisolm, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, William Hendrix, Alfred Holly, Hough, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Ryan, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House of Representatives—44.

Mr. Thurston having received a majority of all the votes cast, Mr. Speaker declared him duly elected for the term prescribed by the constitution.

The Senate then retired, and the House adjourned until tomorrow morning, 10 o'clock.

THURSDAY, November 22, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House two records of divorce, which were referred to the committee on divorce and alimony.

Mr. Lea introduced a bill to establish a bank adequate to the commercial and financial purposes of the State of Alabama, which was read and ordered to a second reading, and one hundred and thirty-three copies thereof ordered to be printed.

Bills were introduced by :

Mr. Hudson, for the relief of Wm. B. Payne, of Randolph county, Alabama :

Mr. Baker, to provide for the per diem pay of the members of the General Assembly :

Mr. Baker, to repeal an act entitled an act to define and regulate the duties of the county treasurer and tax collector of the county of Russell :

Mr. R. H. Smith, to prevent fraudulent assignments :

Mr. R. H. Smith, to authorise Green B. Chaney to invest the money of his son, Bailey E. :

Mr. Crews, for the relief of W. E. O'Hara :

Mr. Rowe, to divorce Sarah H. Claffey from Matthew Claffey, and to change her name to Sarah H. Calloway :

Mr. McGuire, to repeal in part the laws in relation to insolvent estates :

Mr. McGuire, to repeal an act to prevent the sacrifice of real estates :

Mr. Gardner, to simplify and curtail pleadings at law :

Mr. Gardner, to authorise the free white citizens of the State of Alabama and such others as they may associate with them to prosecute the business of manufacturing, with corporate powers and privileges :

Mr. Gardner, to incorporate the preachers' aid society of Alabama annual conference of the Methodist Episcopal church south :

Mr. Whatley, to prevent vexatious law suits :

Mr. Whatley, to provide a fund for the payment of petit jurors :

Mr. Cooper, regulating the taking of bonds in cases where suits of supercedeas issue :

Mr. A. Holly, to change the names of certain persons therein named :

Mr. A. Holly, for the relief of Murdock McLeod :

Mr. Humphreys, to authorise James W. Hill, of the county of Madison, to remove certain property :

Mr. W. Hendrix, to amend the nineteenth section of the laws of this State on the subject of roads, bridges and ferries :

Mr. Lockwood, to incorporate the Fulton insurance company of Mobile :

Said bills were severally read and ordered to a second reading.

Mr. Hudson introduced joint resolutions ratifying proposed amendments therein named to the constitution of the State of Alabama, which were read and referred to the committee on the judiciary.

Mr. Hill presented the petition of Benjamin Lancaster, which was referred to the committee on propositions and grievances.

Mr. R. H. Smith presented the petition of Martha Jane Toole, which was referred to the committee on propositions and grievances.

Mr. Patton introduced a bill to establish a supreme court for hearing causes at Huntsville ; and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the judiciary.

Mr. Aldridge presented the account of William Garrett for stationery.

Mr. M. A. King presented the account of Phillip Pritchett, which was referred to the committee on accounts.

Mr. Jemison introduced a bill to explain and amend an act securing to married women their separate estates, and for other purposes, which was read, and the constitutional rule being

suspended, was read the second time and referred to the committee on the judiciary.

Mr. Goldsby introduced a bill to authorise the holding an extra term of the chancery court of the 20th chancery district, which was read the second time forthwith.

Mr. Lockwood presented the petition of Joseph Krebs, which was referred to the committee on the State bank and branches.

The question recurred on concurring in the report of Mr. Jones from the judiciary committee, pending which the House adjourned on Tuesday.

On motion of Mr. James, the further consideration of the subject was postponed until the first Monday in January.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution:

Resolved, That with the concurrence of the House, the two houses will meet in convention on Thursday, 22d inst., to elect a solicitor for the 7th judicial circuit.

Mr. Perkins moved to amend said resolution by striking out "instant," and inserting "next," which motion was lost ; also, to insert Monday next, which was also lost.

Mr. Stone moved to amend by inserting Friday next, which was also lost, and the resolution was concurred in.

The following resolutions from the Senate were concurred in :

Resolved, That a committee of three be appointed by the Senate to act with a like committee to be appointed by the House of Representatives, whose duty it shall be to examine the accounts current and vouchers of F. S. Lyon, commissioner of the State bank and branches, embracing the period of the sole management of said Lyon as said commissioner, and that said committee report the result of their examination to both houses of the General Assembly.

Messrs. Morrisett, Compton and Judge, are the committee on the part of the Senate.

Messrs. Jemison, Rather and Whatley, committee on the part of the House.

Resolved, That a committee be appointed on the part of the Senate to act with a like committee on the part of the House of Representatives, whose duty it shall be to examine the offices of comptroller and treasurer, and report the condition of each to the present General Assembly.

Messrs. Storrs, Frazier and Edwards composed the committee on the part of the Senate.

Messrs. James, Walker and McGuire compose the House committee.

The Senate have adopted the following resolutions, viz :

1. *Resolved,* That the committee on the State capitol of the

Senate, in connection with the same committee of the House, be authorised to employ some competent mechanic to act with said committee in the examination of the capitol, and to recommend such repairs as may seem necessary for the preservation of the same.

The following bills from the Senate were read and ordered to a second reading:

A bill providing for the more effectual prosecuting persons trading illegally with slaves:

A bill to amend the law in relation to the offence of petit larceny:

A bill for the relief of Thomas L. McGowen, of Macon county:

A bill to provide for paying jurors in justices' courts in Blount county:

A bill for the relief of Russell Williams and William W. Greenwood, of Macon county:

A bill to provide for the selection of school lands in lieu of the 16th sections in Chickasaw purchase.

Mr. Hill, from the committee on internal improvements, to whom was referred the engrossed bill to declare the Cahawba river a public highway, reported the same back without amendment, which was read a third time and passed.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Tuskaloosa plank road company, reported the same back without amendment. The said bill was ordered to be engrossed for a third reading.

Mr. Rather, from the committee on the judiciary, to whom was referred the bill requiring the production of books and papers upon the trial of suits at law by parties of such suits, reported a substitute therefor; the substitute was adopted, and the bill ordered to be engrossed for a third reading.

The hour of 12 having arrived, the Senate, by invitation, appeared in the hall of the House, and the two houses in convention proceeded to the election of a solicitor for the 2d judicial circuit, James A. Stallworth, M. J. Saffold and William Seawell, being in nomination.

Those who voted for Mr. Stallworth are, Messrs. President, Beckett, Brindley, Coggin, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Matthews, Morrisett, Storrs, Wilson and Wiuston, of the Senate—16. Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Boon, Brasher, Bridges, Cain, Chisolm, Coleman, Crews, Critcher, Corsbie, N. Davis, Franks, Goodman, Gunter, Hardwick, Heflin, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McMullen, Northcut, Perryman, Reese, Rowe, Ryan, Skelton, E. L. Smith, Storrs,

Thorn, Turner, Watkins, Whatley and Wright, of the House—49.

Those who voted for Mr. Saffold are, Messrs. Kelly and Martin, of the Senate—2. Messrs. Camp, Coupland, Foscue, Goldsby, Hall, McGuire, McLeod, Pickett, Quinn, Rather, Simmons, Williams and Wood, of the House—13.

Those who voted for Mr. Seawell are, Messrs. Abercrombie, Beauford, Cocke, Edwards, Gunn, Judge, McLemore, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—14. Messrs. Baker, Benbow, Blevins, Bowen, Cooper, Creagh, A. R. Davis, L. R. Davis, Gates, Gardner, Gazzam, Gonder, Groce, Hatcher, M. Hendricks, W. Hendrix, Jemison, Jones, Kennedy, Lea, Ligon, McCall, Murphy, Patton, Perkins, Reynolds, Rives, R. H. Smith, Storrs, Swanson, Walker, Wilson and Young, of the House—33.

Mr. Stallworth having received a majority of all the votes given, Mr. Speaker declared him to have been duly and constitutionally elected solicitor of the 2d judicial circuit for the term prescribed by law.

2d. A solicitor for the 9th judicial circuit.

B. II. Spyker, A. M. Presley, A. W. Bowie, M. S. Latham and Johnson J. Hooper being in nomination.

Those who voted for Mr. Spyker are, Messrs. Abercrombie, Buford, Gunn, Morrisett, O'Neal, Tarrant and Watrous, of the Senate—7. Messrs. Baker, Benbow, Cooper, Gardner, Groce, Hatcher, A. Holly, W. Holly, Jemison, Lea, Ligon, Murphy, Perkins, Reese, Reynolds, Walker and Watkins, of the House—17.

Those who voted for Mr. Presley are, Messrs. Coggio, Frazier, Fleming, Gray, Martin and Storrs, of the Senate—6. Messrs. Barrow, Bridges, Foscue, Hall, Hough, Iby, Kendrick, McGuire, McMullen, McLeod, Northcutt, Quinn, Rowe, Simmons, B. L. Smith, Wood and Wright, of the House—17.

Those who voted for Mr. Bowie are, Messrs. Beckett, Compton, Garrett and Godbold, of the Senate—1. Messrs. Adams, Brasher, Camp, Nathaniel Davis, Goldsby, Hardwick, Humphreys, James, Jacob H. King, Michael A. King, Skelton, Whatley, Wilson and Young, of the House—14.

Those who voted for Mr. Latham are, Messrs. Brindley, Garland, Matthews and Stephenson, of the Senate—4. Messrs. Speaker, Aldridge, Austin, Boon, Coleman, Coupland, Crews, Corsbie, Franks, Heflin, M. Hendricks, Hill, Hudson, McDonald, Perryman, Rather, Ryan, Sowell, Thorn and Wilson, of the House—20.

Those who voted for Mr. Hooper are, Messrs. President, Cocke, Edwards, Judge, Kelly, Manning, McLemore, Murphy, Stewart, Ware and Wilson, of the Senate—11. Messrs. Ashley, Blevins,

Bowen, Cain, Chisolm, Creagh, Critcher, A. R. Davis, L. R. Davis, Gates, Gazzam, Goodman, Gonder, Gunter, William Hendrix, Jones, Kennedy, Lockwood, McCollum, McCall, Patton, Pickett, Rives, R. H. Smith, Stone, Swanson and Turner of the House—28.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a second time.

Those who voted for Mr. Spyker are, Messrs. Abercrombie, Gunn, Morrisett, Tarrant and Watrous, of the Senate—5. Messrs. Baker, Cooper, N. Davis, Gardner, Gazzam, Groce, Gunter, Hatcher, A. Holly, William Holly, Jemison, Lea, Ligon, Murphy, Perkins, Reese, Reynolds, Walker and Watkins, of the House—19.

Those who voted for Mr. Presley are, Messrs. Coggin, Frazier, Fleming, Gray, Martin and Storrs, of the Senate—6. Messrs. Barrow, Bridges, Foscoe, Hall, Hough, Irby, Kendrick, McGuire, McMullen, McLeod, Northcut, Quinn, Rowe, Simmons, E. L. Smith, Stone, Wilson, Wood and Wright, of the House—19.

Those who voted for Mr. Bowie are, Messrs. Beckett, Compton, Garland, Garrett and Godbold, of the Senate—5. Messrs. Adams, Brasher, Critcher, Goldsby, Hardwick, Humphreys, James, Jacob H. King, Skelton, Whatley and Young, of the House—11.

Those who voted for Mr. Latham are, Messrs. Brindley, Matthews and Stephenson, of the Senate—3. Messrs. Speaker, Aldridge, Austin, Boon, Coleman, Coupland, Crews, Corsbie, Franks, Heflin, Madison Hendricks, Hill, Hudson, M. A. King, McDonald, Perryman, Rather, Ryan, Sowell, Thorn, Turner and Williams, of the House—22.

Those who voted for Mr. Hooper are, Messrs. President, Buford, Cocke, Edwards, Judge, Kelly, Manning, McLemore, Murphy, O'Neal, Stewart, Ware and Wilson, of the Senate—13. Messrs. Ashley, Benbow, Blevins, Bowen, Cain, Camp, Chisolm, Creagh, Attoaway R. Davis, L. R. Davis, Gates, Goodman, Gonder, Wm. Hendrix, Jones, Kennedy, Lockwood, McCall, McCollum, Patton, Pickett, Rives, R. H. Smith, Storrs and Swanson, of the House—25.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the third time.

Those who voted for Mr. Presley are, Messrs. Coggin, Frazier, Fleming, Gray, Martin and Storrs, of the Senate—6. Messrs. Barrow, Bridges, Critcher, N. Davis, Foscoe, Hall, Hough, Irby, Kendrick, M. A. King, McGuire, McMullen, McLeod, Northcut, Quinn, Rowe, Simmons, E. L. Smith, Storrs, Wilson, Wood and Wright, of the House—22.

Those who voted for Mr. Bowie are, Messrs. Beckett, Compton, Garland, Garrett and Godbold, of the Senate—5. Messrs.

Adams, Brasher, Goldsby, Hardwick, Humphreys, James, J. H. King, Murphy, Skelton, Whatley and Young, of the House—11.

Those who voted for Mr. Latham are, Messrs. Brindley and Matthews, of the Senate—2. Messrs. Speaker, Aldridge, Austin, Boon, Camp, Coleman, Coupland, Crews, Corsbie, Franks, Heflin, M. Hendricks, Hill, Hudson, McDonald, Perryman, Rather, Ryan, Sowell, Thorn, Turner and Williams, of the House—22.

Those who voted for Mr. Hooper are, Messrs. President, Abercrombie, Cocke, Buford, Gunn, Kelly, Manning, McLemore, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous and Wilson, of the Senate—17. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, W. Hendrix, A. Holly, Wm. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, R. H. Smith, Storrs, Swanson, Walker and Watkins, of the House—41.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a fourth time.

Those who voted for Mr. Presley are, Messrs. Brindley, Coggin, Frazier, Fleming, Martin and Storrs, of the Senate—6. Messrs. Barrow, Boon, Bridges, Crews, Critcher, N. Davis, Foscoe, Franks, Hall, Hough, Kendrick, McGuire, McCollum, McLeod, Northcut, Quinn, Rowe, Skelton, Simmons, E. L. Smith, Wilson and Wood, of the House—22.

Those who voted for Mr. Bowie are, Messrs. Beckett, Garrett and Godbold, of the Senate—3. Messrs. Adams, Brasher, Goldsby, Hardwick, Humphreys, James, J. H. King, Murphy, Whatley and Wright, of the House—10.

Those who voted for Mr. Latham are, Messrs. Compton, Garland, Matthews and Winston, of the Senate—4. Messrs. Speaker, Aldridge, Austin, Camp, Coleman, Coupland, Corsbie, Heflin, M. Hendricks, Hill, Hudson, Irby, M. A. King, McDonald, Perryman, Rather, Ryan, Sowell, Stone, Thorn, Turner and Williams, of the House—22.

Those who voted for Mr. Hooper are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Kelly, Manning, McLemore, Morrisett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous and Wilson, of the Senate—19. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Wm. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, R. H. Smith, Storrs, Swanson, Walker, Watkins and Young, of the House—42.

Neither of the candidates having received a majority of all the votes given, Mr. Bowie withdrew. The convention proceeded to ballot a fifth time.

Those who voted for Mr. Presley are, Messrs. Beckett, Coggin, Compton, Frazier, Fleming, Garrett, Godbold, Gray, Martin and Storrs, of the Senate—10. Messrs. Barrow, Boon, Bridges, Crews, N. Davis, Foscue, Hall, Hardwick, Hill, Hough, Humphreys, Kendrick, J. H. King, McGuire, McMullen, McLeod, Northcut, Quinn, Rowe, Skelton, Simmons, Whatley, Wilson, Wood and Wright, of the House—26.

Those who voted for Mr. Latham are, Messrs. Brindley, Garland and Matthews, of the Senate—3. Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Coleman, Coupland, Critcher, Corsbie, Franks, Goldsby, Hefflin, M. Hendricks, Irby, James, M. A. King, McDonald, Perryman, Rather, Ryan, Sowell, Stone, Thorn, Turner and Williams, of the House—25.

Those who voted for Mr. Hooper are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Kelly, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous and Wilson, of the Senate—19. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Camp, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, W. Hendrix, A. Holly, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Murphy, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins and Young, of the House—45.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the 6th time.

Those who voted for Mr. Presley are, Messrs. Beckett, Coggin, Compton, Fleming, Garrett, Godbold, Gray, Martin, Matthews and Storrs of the Senate—11. Messrs. Adams, Aldridge, Austin, Barrow, Boon, Bridges, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Foscue, Franks, Hall, Hardwick, M. Hendricks, Hill, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McGuire, McMullen, McLeod, Northcut, Quinn, Rather, Rowe, Skelton, Simmons, Stone, Thorn, Turner, Whatley, Wilson, Wood and Wright, of the House—42.

Those who voted for Mr. Latham are, Mr. Garland, of the Senate—1. Messrs. Speaker, Brasher, Hefflin, McDonald, Perryman, Ryan and Sowell, of the House—7.

Those who voted for Mr. Hooper are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Kelly, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous, Wilson, of the Senate—19. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Camp, Chisolm, Cooper,

Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, Murphy, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams and Young, of the House—47.

Mr. Hooper having received a majority of all the votes given, Mr. Speaker declared him to have been duly and constitutionally elected solicitor of the 7th judicial circuit, for the term prescribed by law.

3. A solicitor for the seventh judicial circuit, W. S. Earnest, Daniel Coggin, W. D. Cook, J. N. Carpenter, W. A. Hewlett, Thomas B. Wetmore, Henry L. Ward, and F. C. Capel being in nomination.

Those who voted for Mr. Coggin are, Messrs. President, Garland, Garrett, Gray, Matthews, Ware, Winston, of the Senate—7. Messrs. Speaker, Aldridge, Barrow, Boon, Bowen, Brasher, Coleman, Critcher, N. Davis, Goldsby, Gunter, Hardwick, Heflin, McCollum, Murphy, Northcutt, Perryman, Rowe, Skelton, Simmons, Thorn and Whatley, of the House—24—7 : 31.

Those who voted for Mr. Earnest are, Messrs. Adams, Baker, Camp, Coupland, Gonder, Groce, M. Hendricks, W. Hendrix, Jemison, Lea, Ligon, Perkins, Reese, Rather, Storrs, Swanson and Watts, of the House—17. Messrs. Abercrombie, Cocke, Judge, Kelly, McLemore and Watrous, of the Senate—6—17 : 23.

Those who voted for Mr. Wetmore are, Messrs. Buford, Edwards, Gunn, Vanning, Morrisett, Murphy, O'Neal and Stewart, of the Senate—8. Messrs. Benbow, Creagh, A. R. Davis, Gardner, Gates, Gazzam, Goodman, A. Holly, Wm. Holly, Jones, Lockwood, McCall, E. L. Smith, R. H. Smith and Watts, of the House—15—8 : 23.

Those who voted for Mr. Cook are, Messrs. Compton, of the Senate—1. Messrs. Ashley, Hough, Pickett, Quinn, Rather, Ryan, Watkins—7—1 : 8.

Those who voted for Mr. Hewlett are, Messrs. Brindley, Stephenson and Tarrant, of the Senate—3. Messrs. Cain, Cooper, Corsbie and Kennedy, of the House—4—3 : 7.

Those who voted for Mr. Carpenter are, Messrs. Storrs, of the Senate—1. Messrs. Hall, Irby, McGuire, McMullen, McLeod, Turner and Wood, of the House—7—1 : 8.

Those who voted for Mr. Ward are, Messrs. Fleming, Martin and Wilson, of the Senate—3. Messrs. Austin, Bridges, Crews, L. R. Davis, Foscoe, Franks, Hill, Hudson, Humphreys, Kendrick, M. A. King, McDonald, Patton, Stone, Wilson and Wright, of the House—16—3 : 19.

Those who voted for Mr. Capel are, Messrs. Beckett and God-

bold, of the Senate—2. Messrs. Chisolm, Hatcher and James, of the House—3—2: 5.

On motion, the convention adjourned until to-morrow, 12; and the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, November 23, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the response of the State treasurer to the resolutions of the House, of the 14th inst., to him directed.

Mr. Perkins moved to refer the communication to the committee on the State bank and branches. The motion was lost.

Mr. Hall offered the following resolution, which was adopted:

Resolved, That the treasurer's report be referred to select committee, to be composed of one member from each congressional district, with instructions to report the amount of the two and three per cent. fund; their present condition, and the obligations and duties of the State in regard to its disposition; and report by bill or otherwise.

Said committee consisted of Messrs. Hall, Lockwood, Watts, R. H. Smith, Ryan, Adams and J. H. King.

Mr. Speaker announced the following select committees:

On so much of the governor's message as relates to an asylum for the deaf, dumb and blind, Messrs. R. H. Smith, Rowe, Creagh, Irby, J. H. King.

On so much thereof as relates to the State census, Messrs. Hall, Perkins and Ryan.

The bills from the Senate:

To incorporate a volunteer company at Perryville, in Perry county:

For the relief of Samuel V. Jordan and Wm. Javrell:

To make an appropriation for the payment of the members and officers of the present General Assembly:

To prevent the commissioners' court for the county of Lauderdale, from levying a higher tax than fifty per cent. on the State tax:

For the relief of William Taylor, of Jefferson county:

To incorporate the Prattville engine company:

Were severally read and ordered to a second reading.

The House concurred in the amendment of the Senate to the bill from the House for the relief of William Sautter.

The following resolution was received from the Senate:

Resolved, That with the concurrence of the House, the two houses will assemble in the hall of the House on Wednesday next, 28th inst., for the purpose of electing a United States Senator to fill the vacancy occasioned by the expiration of the term of

service of the Hon. A. P. Bagby, and also, for a Senator to fill the vacancy occasioned by the death of the Hon. Dixon H. Lewis.

Mr. Nathaniel Davis moved to amend said resolution by striking out Wednesday, with a view of inserting Saturday, which motion was lost.

Yeas 10; nays 82.

Those who voted in the affirmative are, Messrs. Coupland, N. Davis, Heflin, William Hendrix, J. H. King, Lea, McMullen, Quinn, Rowe and Simmons—10.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Bowen, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, Hill, A. Holly, Wm. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kendrick, Kennedy, M. A. King, McCall, McCollum, McDonald, McGuire, McLeod, Murphy, Northcut, Patton, Perryman, Pickett, Rather, Reese, Reynolds, Rives, Ryan, Skelton, E. I. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—82.

And the resolution was concurred in.

Bills were introduced by :

Mr. Stone, to require the annual publication of the condition of the county treasury of Pickens :

Mr. Brasher, to repeal in part and amend an act to reduce and pay the expenses of the county of Shelby, and for other purposes, approved Feb. 4th, 1846 :

Mr. Simmons, to establish an election precinct in the county of Tallapoosa :

Mr. McGuire, to authorise Humphrey B. Rogers to sell a certain slave therein named :

Mr. McGuire, to authorise E. Andrews, jr., to sell certain slaves therein named :

Mr. Cain, to consolidate the offices of clerk of the circuit and county courts in the county of Walker :

Mr. Young, to regulate the number, appointment, duties, and compensation of the inspectors of the penitentiary :

Mr. Young, to amend the penal code :

Mr. Cooper, to make prosecutors liable for cost in certain cases :

Mr. Cooper, to enable defendants in criminal cases to take testimony by interrogatories :

Mr. A. Holly, to prevent jury certificates being received in payment of county tax in the county of Covington :

Mr. Boon, to repeal an act, approved December 20th, 1848 :

Mr. Pickett, to amend the law upon the subject of depositions :

Mr. Humphreys, to reduce the salaries of bank attorneys :

Said bills were severally read and ordered to a second reading.

Mr. Stone presented the account of Jesse W. Bryan :

Mr. Pickett, that of P. L. Roddy :

Mr. Gunter, that of Marion Sims, and of Coster & Coxe :

Which were referred to the committee on accounts.

Mr. Heflin presented the petition of James H. Lee, which was referred to the committee on propositions and grievances.

Mr. Hudson introduced joint resolutions ratifying proposed amendments to the constitution of the State of Alabama, therein named, which were read and ordered to a second reading.

Mr. Aldridge, from the committee on accounts, to whom was referred sundry accounts, reported :

That the account of Thomas B. Jones, of Macon county :

Of Miles Rea, of Marion county :

And of the sheriff and jailor of Franklin county :

Were not properly authenticated.

That the account of Hardy Griffin, of Perry county, had been improperly referred ; and should be referred to the committee on propositions and grievances.

That the account of William H. Smith, of Chambers county, was not properly authenticated ; and a part of said account is not a State charge.

That it is inexpedient to legislate upon the account of A. M. McCollum, of Franklin county, as such accounts, under the act of the last session of the legislature, will be paid on presentation to the comptroller.

The above report was concurred in, and the accounts withdrawn or referred in accordance thereto.

Mr. Gates introduced a bill amendatory of the act to reform the evils arising from local legislation, approved March 3d, 1848, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the judiciary.

Mr. M. A. King presented the petition of Bradford Hambrick, which was referred to the committee on propositions and grievances.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill for the relief of Thomas M. Cunningham, reported the same back to the House without action.

The bill was referred to the committee on propositions and grievances.

Mr. Baker, from the committee on divorce and alimony, reported a bill to divorce certain persons therein named, which was read and ordered to a second reading.

Mr. Hill, from the committee on internal improvements, to whom was referred the bill to incorporate the Eufaula and Mobile rail road company, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Alabama and Georgia rail road company, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. M. A. King, from the committee on the judiciary, to whom was referred the bill for the relief of John B. Clark, reported the same back without amendment, and the bill was ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill for the relief of A. S. Bibb, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Cooper, from the committee on divorce and alimony, reported a bill to divorce Isaac Teague from Delia Teague. The bill was read and ordered to a second reading.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of John Curtiss, reported that it was inexpedient to legislate on such subjects. The report was concurred in.

Mr. Stone, from the committee on the judiciary, to whom was referred the bill to amend the charter of the city insurance company of Mobile, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Rather, from the same committee, to whom was referred the bill to authorise Drury Stovall, of Marengo county, to invest certain moneys of his ward, Sarah Ann Orr, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Pickett, from the same committee, to whom was referred the bill to provide for summoning State witnesses in certain cases, reported that it is inexpedient to pass said bill. The report was concurred in.

Mr. Watkins, from the committee on divorce and alimony, reported a bill to divorce certain persons therein named. Ordered to a second reading.

Mr. Humphreys, from the committee on the judiciary, to whom was referred the bill to enable A. A. Phillips, guardian for certain minors, to hire privately the negroes of certain minors, reported a substitute therefor. The substitute was adopted and the bill ordered to be engrossed for a third reading.

Mr. R. H. Smith, from the same committee, to whom was referred joint resolutions proposing to give justices of the peace jurisdiction of assaults and batteries and affrays, reported that it

would be inexpedient to pass such resolutions, and assigned the following as the reasons that bring the committee to the conclusion :

The proposed amendments would, in order to be operative, require an abrogation of so much of the tenth section declaration of rights as secures to the accused in all criminal prosecution a trial by jury, and also so much of the twelfth section of the same as in effect secures to the citizen freedom from trial until presented by a grand jury. The constitution of Alabama—article first, sections ten and twelve, or more—requires the legislature to pass such laws authorising justices to call together for each case a grand and petit jury. The committee think it would be inexpedient to strike from the declaration of rights two such important guaranties of the citizen's privileges, and that the alteration of suffering a justice of the peace to call together a grand and petit jury on every complaint that a minor offence has been committed, would be intolerably expensive, troublesome to the citizens, and would require the passage of laws providing anew for the organisation and conduct of those bodies. Besides these reasons for a conclusion adverse to the proposed resolutions, there would be much danger that punishments would not be made nor trial had with that deliberation and knowledge and respect for the criminal law which it is important should regulate such proceedings. Many excellent justices are unlearned in the law, their decisions would be little regarded by a jury, and too often verdicts would rather reflect the passions of the neighborhood than the merit of the cause: the end of one prosecution would be but the beginning of another.

Your committee also think there would be danger of persons who really feared being held to answer for felonies causing themselves to be tried before justices of the peace for misdemeanors, and then seeking shelter from a prosecution for felony under conviction for the same offence as a misdemeanor.

Many other reasons might be assigned for the conclusions to which the committee have arrived, but they deem those already given sufficient to prove the truth of their conclusion.

The following resolution from the Senate was concurred in, except as to the county of Coosa :

Resolved, That, with the concurrence of the House, the two houses will meet in convention this day, at 12, M., to elect judges for the county courts of the counties of Montgomery, Franklin and Pike.

The Senate, by invitation, appeared in the hall of the House, and the two houses, in convention, resumed the election of a solicitor for the seventh judicial circuit.

The names of John N. Carpenter, W. D. Hewlett and F. C. Capel being withdrawn,

Those who voted for Mr. Coggin are, Messrs. President, Frazier, Garland, Garrett, Gray, Matthews, Storrs, Ware and Winston, of the Senate—9. Messrs. Aldridge, Barrow, Boon, Bowen, Brasher, Coleman, Crews, Corsbie, N. Davis, Gunter, Hall, Hardwick, McCollum, McMullen, Murphy, Northcut, Perryman, Rowe, Skelton, Thorn, Whatley, Williams and Wood, of the House—23—9 : 32.

Those who voted for Mr. Earnest are, Messrs. Abercrombie, Cocke, Kelly and Watrous, of the Senate—4. Messrs. Adams, Baker, Camp, Chisolm, Cooper, Coupland, Edwards, Groce, Hatcher, M. Hendricks, Wm. Hendrix, Jemison, Kennedy, Lea, Perkins, Reynolds, Storrs, Swanson, Walker, Watkins and Young, of the House—21—4 : 25.

Those who voted for Mr. Wetmore are, Messrs. Buford, Edwards, Manning, Morrissett, Murphy, O'Neal and Stewart, of the Senate—7. Messrs. Benbow, Blevins, Creagh, A. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, A. Holly, W. Holly, Jones, Lockwood, McCall, Reese, Rives, E. L. Smith, R. H. Smith and Watts, of the House—19—7 : 26.

Those who voted for Mr. Ward are, Messrs. Beckett, Fleming, Godbold, Martin and Wilson, of the Senate—5. Messrs. Austin, Bridges, L. R. Davis, Fosene, Franks, Hedlin, Hill, Hudson, Humphreys, Irby, James, Kendrick, M. A. King, McDonald, McGuire, McLeod, Patton, Stone, Turner, Wilson and Wright, of the House—21—5 : 26.

Those who voted for Mr. Cook are, Messrs. Brindley and Compton, of the Senate—2. Messrs. Speaker, Ashley, Cain, Hough, Pickett, Quinn, Rather and Ryan, of the House—8—2 : 10.

Mr. Tarrant, of the Senate, voted for Mr. Hewlett.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a third time.

Those who voted for Mr. Coggin are, Messrs. President, Frazier, Garland, Garrett, Godbold, Gray, Matthews, Storrs and Winston, of the Senate—9. Messrs. Speaker, Aldridge, Barrow, Boon, Bowen, Brasher, Coleman, Crews, Critcher, Corsbie, N. Davis, Fosene, Gunter, Hall, Hardwick, Hill, McCollum, McMullen, Murphy, Northcut, Perryman, Rowe, Skelton, Thorn, Turner, Whatley, Williams, Wilson and Wood, of the House—29.

Those who voted for Mr. Earnest are, Messrs. Abercrombie, Cocke, Kelly, O'Neal, Stephenson, Tarrant, Ware and Watrous, of the Senate—8. Messrs. Adams, Ashley, Baker, Benbow, Cain, Camp, Chisolm, Cooper, Coupland, Edwards, Gonder, Gazzam, Groce, Hatcher, M. Hendricks, Wm. Hendrix, A. Holly, Jemison, Kennedy, Lea, McCall, Perkins, Pickett, Reynolds, Rives, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—31—8 : 39.

Those who voted for Mr. Wetmore are, Messrs. Buford, Edwards, Manning, Morrissett, Murphy and Stewart, of the Senate—6. Messrs. Creagh, A. R. Davis, Gates, Goldsby, Goodman, W. Holly, Hough, Jones, Lockwood, Reese, E. L. Smith and R. H. Smith, of the House—12.

Those who voted for Mr. Ward are, Messrs. Beckett, Brindley, Compton, Fleming, Martin and Wilson, of the Senate—6. Messrs. Austin, Bridges, L. R. Davis, Franks, Heflin, Hudson, Humphreys, Irby, James, Kendrick, M. A. King, McDonald, McGuire, McLeod, Patton, Quinn, Rather, Ryan, Stone and Wright, of the House—20.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the 4th time.

Those who voted for Mr. Coggin are, Messrs. President, Frazier, Garland, Garrett, Gray, Godbold, Matthews, Storrs and Winston, of the Senate—9. Messrs. Speaker, Aldridge, Austin, Barrow, Boon, Bowen, Brasher, Coleman, Crews, Critcher, Corsbie, N. Davis, Foscue, Franks, Gunter, Hall, Hardwick, Heflin, Hough, Hill, Hudson, Kendrick, J. H. King, McCollum, McMullen, McLeod, Murphy, Northcut, Perryman, Rowe, Quinn, Skelton, Thorn, Turner, Whatley, Williams, Wood and Wilson, of the House—38.

Those who voted for Mr. Earnest are, Messrs. Abercrombie, Cocke, Kelly, Morrissett, O'Neal, Stephenson, Tarrant and Watrous, of the Senate—8. Messrs. Adams, Ashley, Baker, Benbow, Cain, Camp, Chisolm, Cooper, Coupland, Creagh, A. R. Davis, Edwards, Gardner, Gazzam, Goodman, Groce, Hatcher, M. Hendricks, Wm. Hendrix, A. Holly, Jemison, Kennedy, Lea, McCall, Perkins, Pickett, Reese, Reynolds, Rives, Storrs, Swanson, Watkins, Walker, Watts and Young of the House—35.

Those who voted for Mr. Wetmore are, Messrs. Buford, Edwards, Manning, Murphy and Stewart of the Senate—5. Messrs. Blevins, Edwards, Gates, William Holly, Jones, Lockwood, E. L. Smith, and R. H. Smith, of the House—7.

Those who voted for Mr. Ward are, Messrs. Beckett, Brindley, Compton, Fleming, Martin and Wilson, of the Senate—6. Messrs. Bridges, L. R. Davis, Goldsby, Humphreys, Irby, James, M. A. King, McDonald, McGuire, Patton, Rather, Ryan, Stone and Wright, of the House—14.

Neither of the candidates having received a majority of all the votes given, Messrs. Wetmore and Ward having withdrawn, the convention proceeded to ballot the 6th time.

Those who voted for Mr. Coggin are, Messrs. President, Beckett, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Martin, Matthews, Storrs, Wilson and Winston, of the Senate—

14. Messrs. Speaker, Aldridge, Austin, Barrow, Boon, Bowen, Brasher, Bridges, Coleman, Crews, Critcher, Corsbie, N. Davis, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Irby, James, Kendrick, J. H. King, M. A. King, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rowe, Skelton, Stone, Thoru, Turner, Whatley, Williams, Wilson, Wood and Wright, of the House—47.

Those who voted for Mr. Earnest are, Messrs. Abercrombie, Cocke, Buford, Kelly, Manning, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant and Watrous, of the Senate—12 Messrs. Adams, Ashley, Baker, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Coupland, Creagh, A. R. Davis, L. R. Davis, Edwards, Gardner, Gates, Gazzam, Goodman, Groce, Hatcher, W. Hendrix, A. Holly, W. Holly, Humphreys, Jemison, Jones, Kennedy, Lea, Lockwood, McCall, Patton, Perkins, Pickett, Rather, Ryan, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—46.

Mr. Coggin having received a majority of all the votes given, Mr. Speaker declared him to have been duly and constitutionally elected solicitor of the seventh judicial circuit for the time prescribed by law.

The convention then proceeded to the election of judges of the county courts of the following counties:

Montgomery—A. C. Felder alone being in nomination:

Franklin—R. Blocker alone being in nomination;

Pike—Byrd Fitzpatrick alone being in nomination:

Each of whom having received the whole number of votes given, was declared by Mr. Speaker to be duly and constitutionally elected judge of the county court as above set forth, for the time prescribed by law.

The Senate withdrew; and the House adjourned until tomorrow morning, 10 o'clock.

SATURDAY, November 24, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Bills were introduced by:

Mr. Hall, to establish an election precinct in Autauga county:

Mr. Kennedy, to authorise B. L. Goodman, guardian of Robert Ligon, to sell a certain slave therein named:

Mr. Lockwood, to prevent delay in collection of debts:

Mr. Watts, for the relief of Rosella, and other free persons of color:

Mr. Bridges, in relation to taxes illegally collected from non-residents :

Said bills were read and ordered to a second reading.

Mr. Jones, from the committee on the judiciary, to whom were referred the bills :

To authorise Charles A. Stanley, the clerk of the county court of Covington county, to make a record of marriage licenses :

To compensate witnesses attending before grand juries :

Reported the same back with amendments thereto.

The amendments were concurred in, and the bills were ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom were referred the bills :

To provide for paying the grand and petit jurors in the county of Coffee :

To amend and explain in part the laws on the subject of patrol duty :

Reported the same back.

Said bills were ordered to be engrossed for a third reading.

Mr. Wood presented the account of Wm. N. Thompson :

Mr. Watts that of Levi Shackelford, and the Orion office :

Which were severally referred to the committee on accounts.

Mr. Creagh presented the petition of Wm. G. Prichett and others, which was referred to the committee on the judiciary ; and the petition of Joseph A. Hurbe, which was referred to the committee on propositions and grievances.

Mr. Watts presented the petition of citizens of Butler in behalf of Elsbury Falls, which was referred to the committee on propositions and grievances.

Mr. Humphreys, from the committee on the judiciary, to whom was referred the petition in behalf of Isaac Perdue, reported a bill authorising Benjamin Jelly, John W. Otey and Silas Parsons to emancipate Isaac Perdue. Said bill was read and ordered to a second reading.

Mr. Foscue, from the same committee, to whom was referred the bill to require the names of prosecutors to be endorsed on bills of indictment, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Turner, from the committee on roads, bridges and ferries, to whom was referred the bills :

To authorise W. W. Watkins to establish a ferry across the Tennessee river :

To compel certain persons to work on public roads in the county of Chambers :

To compel certain persons in Cherokee county to work on public roads :

More effectually to provide for the opening of private roads :
Reported the same back. Said bills were ordered to be engrossed for a third reading.

Mr. Rives, from the committee on the State capitol, to whom was referred the bill to compensate Miles W. Abernathy, reported a substitute therefor, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Crews, from the select committee composed of the delegation from Sumter, to whom was referred the engrossed bill to divide the county of Sumter into commissioners' districts, reported the same back. Said bill was read a third time and passed.

Mr. Lockwood, from the select committee composed of the delegation from Mobile, to whom was referred the bill to amend an act to amend the charter of the city of Mobile and the several acts in relation thereto, and for other purposes, approved March 6th, 1848, reported the same back. Said bill was ordered to be engrossed for a third reading.

The bills :

To amend the laws of evidence in civil suits :

To regulate judicial proceedings regulating the fees of judges and clerks of the county of Covington :

Were taken from the orders and referred to the committee on the judiciary.

Mr. Gardner offered an amendment to the rules of the House, which lies over one day.

Mr. Baker introduced a joint resolution in relation to creating an agricultural board at Washington City, which was read and referred to the committee on agriculture.

Mr. Baker offered the following resolution, which was adopted :

Resolved, That the committee on ways and means be instructed to enquire into the expediency of altering and amending the existing revenue laws as to provide for only one tax assessor in each county in the State, and also the propriety of condensing and simplifying said laws so that they may be more easily understood, and further the propriety of abridging the number of articles now taxed, and a reduction of the tax on all taxable property and polls.

Mr. Hough offered the following resolution, which was adopted:

Resolved, That the committee on the military be directed to inquire whether the militia officers of the State are supplied with the militia code ; and if not, to be furnished ; to inquire what number of copies will be necessary to supply the wants of officers, from captains of companies up, and the probable expense of such publication, with leave to report by bill or otherwise.

Mr. Jones offered the following resolutions, which were adopted:

1st. *Resolved*, That the the statute laws of this state are in

many respects defective and imperfect, and that they ought to be thoroughly revised, amended and digested, so as to reduce them to a clear, concise and consistent code.

2d. That our mode of procedure and practice in civil suits, is productive of unnecessary cost and delay, and ought to be so altered and reformed as to render the administration of justice cheaper, simpler and more expeditious.

3d. That in order to carry the foregoing resolution into effect, a select committee of five be appointed to inquire into the expediency of providing by law for the appointment of one or more commissioners to prepare and submit to the next legislature, for its approval, a code of practice, and a digest of our State laws, of a general nature.

Mr. Patton offered the following resolution, which was adopted :

Resolved, That the committee on internal improvements be instructed to enquire into the expediency of allowing the commissioners' court in the respective counties, by the will of the majority of the voters in said counties, to subscribe for and take stock in such rail or plank roads as pass through or in the vicinity of said counties, and if in the opinion of said committee it be expedient, they be requested to report a bill accordingly.

Mr. Jemison offered the following resolution, which was adopted :

Resolved, That the committee on the military be instructed to enquire into the expediency of repealing all laws exempting property from execution in cases of military fines, &c.

Mr. Gardner offered the following resolution, which was adopted :

Resolved, That a select committee of one from each judicial circuit be instructed to enquire into the expediency of calling a convention to alter and amend the constitution of this State.

Mr. Foscue offered the following resolution, which was adopted :

Resolved, That the committee on internal improvements be instructed to enquire into the propriety of passing a general plank road law, and have leave to report by bill or otherwise.

Mr. J. H. King offered the following resolution, which was adopted :

Resolved, That the committee on the military be instructed to inquire into the propriety of furnishing the captain or other commanding officers of each beat company in the State, one copy of Cooper's, or some other cheap standard military work on tactics, with the distinct understanding that each captain or other officers so receiving, shall deliver said work to his successor, on retiring from office.

Mr. Camp offered the following resolution, which was lost :

Resolved, That the committee on ways and means be instructed to inquire into the expediency of abolishing licenses on taverns in towns or villages with a less population than five hundred ; that they report a bill in accordance with these instructions.

Mr. Creagh introduced joint resolutions proposing an amendment to the constitution, making solicitors elective by the people, which was read and referred to the committee on the judiciary.

Mr. Rowe offered an amendment to the rules of the House, which lies over one day.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled :

An act to abolish the office of general administrator for Lawrence county:

Joint resolutions in relation to the Washington monument.

Engrossed bills :

To repeal an act passed at the last legislature, to regulate public printing in the county of Marengo :

To incorporate the Tuskaloosa plank road company :

For the relief of purchasers of lots in the town of Newton :

For paying petit jurors for the county of Covington :

Changing the name of a certain person therein named :

Requiring the production of books and papers upon the trial of suits by the parties of such suits :

To authorise the holding an extra term of the chancery court for the 20th chancery district :

For the relief of A. S. Bibb :

For the relief of John B. Clark, of Greene county :

To incorporate the Alabama and Georgia rail road company :

To amend the charter of the city insurance company of Mobile :

To incorporate the Eufaula and Mobile rail road company :

To enable guardians, administrators and executors to hire slaves privately :

Were severally read a third time and passed.

The bills :

To repeal an act therein named :

To extend the term of the circuit court of Tallapoosa county :

To declare Lost and Wolf creeks, in Walker county, public highways :

To provide for the pay of tales jurors in Autauga county :

To repeal in part an act therein named :

To regulate the liability of persons to work on public roads in the county of Benton :

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

For the relief of Holden Preslar :

To emancipate John Hassell :

Were read the second time and referred to the committee on propositions and grievances.

The bill to reduce the license for retailing spirituous liquors in this State :

And the bill from the Senate for the temporary relief of tax collectors :

Were read the second time and referred to the committee on ways and means.

The bills :

To alter the law upon the subject of dower :

For the relief of the heirs of T. R. H. Wiggins :

Repealing the act giving tax fees to attorneys in certain cases :

For the relief of Matilda S. Pinkston :

To more effectually guard and protect the possession of personal property, and prevent taking possession by fraud or violence :

To provide for the establishment of election precincts and the election of county treasurer and county surveyor by the qualified voters of Benton county :

Were severally read the second time and referred to the committee on the judiciary.

The bills to abolish and establish certain election precincts in Choctaw and Pike counties, was read the second time and referred to the committee on privileges and elections.

The bill to provide for making out the boundary line between Shelby and St. Clair counties, was read the second time and referred to a committee composed of the delegation from Shelby and St. Clair.

The bill for the relief of Oliver P. Quinn was read the second time and referred to the committee on the judiciary, with instructions to report a general bill providing for the payment of sheriffs for making returns of votes for Governor and on proposed amendments to the constitution.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate have originated and passed a bill of the following title :

To amend the road laws as to Dallas county.

The Senate have passed House bills of the following titles, viz :

To legalise a certain marriage therein named :

To repeal in part an act entitled an act to compel certain persons therein named to work on public roads in Blount and Jackson counties :

A bill to amend an act entitled an act to prevent the storage of gunpowder in larger quantities than one hundred pounds in the city of Mobile, and have amended the same as is shown.

The House then adjourned until Monday morning, 10 o'clock.

MONDAY, November 26, 1849.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. McMullen, to regulate the attendance of members of the General Assembly :

Mr. A. Holly, to provide for the assessment and collection of taxes in Covington county :

Mr. Walker, to regulate the circulation of foreign bank bills in this State :

Mr. Ligon, to amend an act entitled an act for the better regulation of judicial proceedings :

Mr. Northcutt, to regulate the powers of the commissioners' court, and to reduce the pay of grand jurors in the county of Marion :

Mr. Northcutt, to regulate the selection of juries in the county of Marion :

Mr. Critcher, to make the county surveyor and county treasurer of the county of Marshall, elective by the people :

Mr. McLeod, to regulate the pay of grand and petit jurors in the county of Pike :

Said bills were severally read and ordered to a second reading.

Mr. Hardwick presented the account of Lewis Cunningham, which was referred to the committee on accounts.

Mr. Hardwick introduced a bill for the relief of Moses Scott, and for other purposes, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to a select committee composed of the delegation from Clarke.

On motion of Mr. Cooper, the vote by which the bill to provide for the opening of private roads was on Saturday last ordered to be engrossed for a third reading, was reconsidered.

Mr. Foscue introduced joint resolutions to reduce the pay of members and officers, which was read and ordered to a second reading. Yeas 46 ; Nays 43.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Barrow, Benbow, Boon, Brasher, Bridges, Coleman, Coupland, Edwards, Foscue, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, Wm. Holly, Irby, James, Jemison, Kennedy, J. H. King, Lea, McCall, McMullen, Murphy, Patton, Pickett, Quinn, Rives, Rowe, Skelton, Simmons, Sowell, E. L. Smith, Storrs, Stone, Swanson, Walker, Whatley, Watts and Young—46.

Those who voted in the negative are, Messrs. Speaker, Austin, Baker, Blevins, Bowen, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Goldsby, Gonder, Hill, Hudson, Humphreys, Jones,

M. A. King, Ligon, McCollum, McDonald, McLeod, Northcut, Perryman, Rather, Reynolds, Ryan, Thorn, Turner, Watkins, Williams, Wilson, Wood and Wright—43.

Mr. L. R. Davis introduced a bill to compensate members and officers of the General Assembly of the State of Alabama, which was read. The House refused to order said bill to a second reading.

Mr. Aldridge, from the committee on accounts, reported that the account of James W. Francis is not properly authenticated, and that the account of Charles E. Woodard, of Clarke county, is not provided for by law.

The report was laid on the table, and the said accounts withdrawn.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill providing for the payment of jurors in Sumter county, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Wilson, from the committee on the military, to whom was referred the bill to amend the military laws of the State; the petition of sundry citizens of Sumter county; the petition of P. S. C. Strother; and the resolution instructing the committee to enquire into the expediency of abolishing all militia laws of the State, reported adversely on each of said subjects. The report was concurred in.

Mr. Jemison presented the report of the commissioners for the improvement of the Black Warrior river, which was read and laid on the table.

The question recurred on the adoption of the resolution heretofore offered by Mr. Hall to raise a standing committee on general laws:

On motion of Mr. Foscue, the word "general" was stricken out and "local" inserted, and on motion of Mr. Hill, the resolution was indefinitely postponed.

Mr. Gardner heretofore offered the following as a rule to the House, which was adopted:

That hereafter the Speaker shall call for reports in the order in which the committees stand upon the committee board, and the committee first called, shall be entitled to finish their report before another is called.

The question recurred on the adoption of the following rule, heretofore offered by Mr. Rowe:

That after Monday, 26th inst., the House shall meet at 9 o'clock, A. M., and adjourn at 1 P. M., and meet again at 3 o'clock, P. M.

Mr. Humphreys moved to amend said rule by striking out Monday, 26th inst., and inserting January 1st, 1850.

On motion of Mr. Cooper, the resolution and amendment were laid on the table.

Mr. Speaker announced the following select committees :

On the resolution offered on Saturday by Mr. Jones, in relation to a digest or code of laws in Alabama—Messrs. R. H. Smith, Pickett, M. A. King, Jones, Watts and Bridges.

On resolution offered on Saturday, by Mr. Gardner, in relation to State Convention—Messrs. Gardner, James, Foscue, R. H. Smith, Pickett, Rowe, Adams, Creagh and McGuire.

The bill from the Senate to provide for the pay of the members and officers of the present General Assembly, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

The amendments of the Senate to the bill to amend an act to prevent the storage of gunpowder in larger quantities than one hundred pounds in the city of Mobile, approved March 6th, 1848, were concurred in :

The bills from the Senate :

To amend the road laws as to Dallas county :

For the relief of William Armstead and Robert C. Macon :

To change the pay of jurors and witnesses in the county of Tuscaloosa :

To amend the road laws of this State :

To incorporate a medical college of the State of Alabama, at Montgomery :

To change the name of the Coosa manufacturing company to the Bradford manufacturing company, and for other purposes :

To incorporate the Eufaula and Mobile rail road company :

Were severally read the first time and ordered to a second reading.

A bill from the Senate to legalise a certain marriage therein named, was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Engrossed bills :

To amend a certain act therein named :

To authorise Charles A. Stanley, of Covington county, to make a record, and for other purposes :

To require the names of prosecutors to be endorsed on bills of indictment :

To provide for the paying of grand and petit jurors of the county of Coffee :

To extend the term of the circuit court of Tallapoosa county to two weeks :

To declare Lost and Wolf creeks, in the county of Walker public highways :

To repeal an act therein named :

To provide for the pay of tales jurors of Autauga county :

To repeal in part an act therein named :

To compel certain persons to work on public roads in the county of Choctaw :

To repeal an act entitled an act to compel certain persons to work on public roads in the county of Chambers :

To compensate Miles W. Abernathy for certain services :

To repeal an act therein named :

Were severally read a third time and passed.

Engrossed bill to compensate witnesses for attending before grand juries, was read the third time.

Mr. Gardner moved to amend by engrossed ryder, as follows : after the words "if not," in the first section, insert the words "or if he be insolvent." Said ryder was read three times and adopted, and the bill passed.

Engrossed bill to authorise W. W. Watkins to establish a public ferry across the Tennessee river was read the third time, and on motion of

Mr. Davis, laid on the table.

Engrossed bill to explain and amend in part the laws upon the subject of patrol duty, was read the third time.

Mr. Hall moved to lay the bill on the table, which motion was lost.

Mr. N. Davis moved to refer the bill to the committee on propositions and grievances, which motion was also lost.

Mr. Hall moved to refer it to a select committee of five, which was also lost, and the bill passed.

Engrossed bill to regulate the liability of persons to work on public roads in the county of Benton, was read the third time.

Mr. Whatley moved to amend by engrossed ryder, as follows :

"Provided, however, this law shall not be construed to extend to apprentices during the time they act as such."

Said ryder was read the third time and adopted, and the bill passed.

The bills :

To repeal an act approved February 25th, 1848 :

To change the name of Martha A. Bates :

To constitute a company beat or beats in the county of Jefferson with a less number of privates than forty :

To legalise a certain marriage therein named :

To repeal an act entitled an act to authorise the same individual to hold the offices of clerk of circuit and county courts, approved January 1st, 1841, in the county of Marion :

For the relief of James M. Gee :

To define more perfectly the corporate limits of the town of Decatur, in Morgan county, and for other purposes therein named :

To repeal an act entitled an act to define and regulate the duties of the county treasurer and tax collector for the county of Russell :

To authorise Green B. Chaney, of Sumter county, to invest the moneys of his son, Bailey E. :

To authorise James W. Hill, of the county of Madison, to remove certain property :

For the relief of Murdock McLeod :

To change the name of certain persons therein named :

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

To abolish the several county courts of this State, and for other purposes :

Regulating the fees of the judges and clerks of the several counties of this State :

To authorise the joining of representatives of deceased persons in the same action with the survivor :

Regulating the taking of bonds when writs of supercedas issue :

To prevent vexatious law suits :

To provide a fund for the payment of petit jurors :

Were severally read the second time and referred to the committee on the judiciary.

The bills :

To authorise Hosea Holly to erect two gates on a certain road therein named :

To amend the nineteenth section of the laws of this State on the subject of roads, bridges and ferries :

Were severally read the second time and referred to the committee on roads, bridges and ferries.

The bills :

For the relief of David Peebles, of Conecuh county :

For the relief of Nelson Parsons :

For the relief of R. W. Coltart :

Were severally read the second time and referred to the committee on propositions and grievances.

The bill to repeal an act approved January 26th, 1848, was read the second time and referred to the committee on ways and means.

The bill to incorporate the Sipsey river navigation company was read the second time and referred to the committee on internal improvements.

The bills :

To establish certain election precincts therein named :

To establish an additional election precinct in the county of Macon :

Were severally read the second time and referred to the committee on privileges and elections.

The bills:

To regulate the business of banking:

To incorporate the southern bank of Alabama:

Were severally read the second time and referred to the committee on banks and banking.

The bills:

To attach the regiment number eighty-one to the 18th brigade, and for other purposes:

To incorporate a volunteer company therein named:

Were severally read the second time and referred to the committee on the military.

The bills:

To incorporate the Fulton insurance company of Mobile:

To incorporate the preachers' aid society of the Alabama annual conference of the Methodist Episcopal church south:

To authorise the free white citizens of the State of Alabama, and such others as they may associate with them, to prosecute the business of manufacturing, with corporate powers and privileges:

Were severally read the second time and referred to the committee on corporations.

The bill to regulate the pay of certain public officers of the State was read the second time, and on motion of Mr. Baker, laid on the table. Yeas 50; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Austin, Baker, Blevins, Bowen, Brasher, Cain, Camp, Chisolm, Coleman, Cooper, Corsbie, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Gonder, Gunter, Hatcher, Wm. Hendrix, Hill, Hough, Hudson, Humphreys, Irby, Jones, M. A. King, Lea, Lockwood, McDonald, McLeod, Perryman, Quinn, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Swanson, Turner, Watkins, Watts, Williams, Wood and Wright—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Barrow, Benbow, Boon, Bridges, Coupland, Critcher, Edwards, Foseue, Groce, Hardwick, Hall, Heflin, M. Hendricks, A. Holly, Wm. Holly, James, Jemison, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, Murphy, Pickett, Northcut, Rather, Rives, Rowe, Simmons, Stone, Storrs, Thorn, Walker, Whatley, Wilson and Young—40.

And then the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 27th, 1849.

The House met pursuant to adjournment.

Mr. Wood presented the petition of citizens of Autauga coun-

ty, in relation to an election precinct, and the establishment of a line dividing certain precincts, which was referred to the committee on privileges and elections.

Mr. Gazzam presented the petition of John W. Silsby, which was referred to the committee on State bank and branches:

Bills were introduced by:

Mr. Whatley, to regulate the right of appeal to the supreme court:

Mr. Wm. Holly, for the relief of John Mill and John A. Wicker:

Mr. A. Holly, to repeal an act authorising one person to hold the office of circuit and county court clerk in Covington county.

Mr. Thorn, to establish justices' courts in the county of Franklin:

Mr. Coupland, to establish an additional beat in the 88th regiment, in the county of Jefferson:

Mr. Watts, for the relief of Parker Gray, a minor:

Mr. Lea, to enable Martha ———, to make titles to certain lands therein described:

Said bills were severally read and ordered to a second reading.

Mr. Barrow introduced a bill to require grand juries to perform certain acts and for other purposes, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the judiciary.

Mr. Fosenc presented the account of Solomon Lee, which was referred to the committee on accounts.

Also, the petition of Ebenezer Pond, which was referred to the committee on propositions and grievances.

Mr. R. H. Smith presented the memorial of Miss D. L. Dix, to the Legislature of Alabama, in relation to the establishment of an asylum for the insane, which was read and referred to a select committee composed of Messrs. R. H. Smith, Rives, Lockwood, Stone, Baker and M. A. King.

Mr. R. H. Smith moved that 3000 copies of the memorial be ordered to be printed for the use of the House, which motion was lost.

Yeas 39; nays 53.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Blevins, Camp, Chisolm, Creagh, Crews, A. R. Davis, Gates, Gardner, Gazzam, Goldsby, Groce, Gunter, Hatcher, Wm. Hendricks, Wm. Holly, Hudson, Irby, Jemison, Jones, M. A. King, Lockwood, McCall, McDonald, McGuire, Perkins, Pickett, Reese, Reynolds, Rowe, Ryan, R. H. Smith, Stone, Storrs, Swanson, Walker, Watkins and Young—39.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Bowen, Brasher, Bridges, Cain, Coupland, Critcher, Corsbie, N. Davis, Edwards, Foscue,

Franks, Goodman, Hall, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, Hough, Humphreys, James, Kendrick, Kennedy, J. H. King, Lea, Ligon, McMullen, McLeod, Murphy, Northcut, Patton, Perryman, Quinn, Rather, Rives, Skelton, Simmons, Sowell, E. L. Smith, Thorn, Watts, Whatley, Williams, Wilson, Wood and Wright—53.

Mr. Rives moved the printing of one thousand, Mr. Jemison of two thousand copies of the said memorial.

Mr. Hall moved to lay on the table the motion to print, which last motion was lost.

The question recurred on the motion of Mr. Jemison to print two thousand copies, which prevailed. Yeas 56; Nays 38.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Benbow, Bowen, Camp, Chisolm, Cooper, Creagh, Crews, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendricks, Hill, A. Holly, Wm. Holly, Humphreys, Irby, Jemison, Jones, M. A. King, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Rowe, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Walker, Watkins, Wright, Watts and Young—56.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Cain, Coupland, Corsbie, N. Davis, Edwards, Foscue, Franks, Hall, Hardwick, Heflin, M. Hendricks, Hough, James, Kendrick, Kennedy, J. H. King, Lea, McLeod, McMullen, Murphy, Northcut, Patton, Perryman, Quinn, Skelton, Simmons, Sowell, Thorn, Whatley, Williams, Wilson and Wood—38.

Mr. Hall moved that the committee just raised be instructed to report a bill giving the old capitol at Tuscaloosa, for an asylum for the insane.

Mr. M. A. King moved to lay said motion on the table.

Mr. N. Davis moved to postpone the further consideration of Mr. Hall's motion until the first of January.

Pending which question, the hour of 12, M., having arrived, the House proceeded to the consideration of the orders of the day.

On motion of Mr. Bridges, the consideration of the orders of the day was suspended, in order that the reports might be received from standing committees.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill from the Senate for the temporary relief of tax collectors, reported that it is inexpedient to pass said bill, as the relief sought is more fully extended under the provisions of the general law.

On motion of Mr. Hill, the report was laid on the table; and on motion of Mr. Lockwood, the bill was laid on the table.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill for the relief of the heirs of T. R. H. Wiggins, reported a substitute therefor, which was adopted; and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the petition of M. G. Pritchett, and others, reported that it is inexpedient to grant the prayer of the petitioners. The report was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill for the better regulation of presentments before grand juries, and for other purposes, reported that it is inexpedient to pass said bill.

On motion of Mr. Aldridge, the report was laid on the table.

Mr. Humphreys moved to lay the bill on the table, which motion was lost.

Mr. Gardner moved to recommit the bill.

Mr. N. Davis moved its indefinite postponement.

Mr. Gardner moved to postpone its further consideration until Saturday next.

Mr. N. Davis moved to postpone until first of January, which motion was lost.

The question recurred first on the motion of Mr. Gardner, to postpone until Saturday next, which was lost.

2d. On the motion of Mr. N. Davis, to postpone until January first, which last motion prevailed. Yeas 49; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Blevins, Bowen, Bridges, Camp, Chisolm, Crews, A. R. Davis, L. R. Davis, N. Davis, Foscutt, Gates, Gazzam, Goldsby, Goodman, Hatcher, Hetlin, W. Hendrix, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McDonald, Patton, Pickett, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, Sowell, E. L. Smith, R. H. Smith, Swanson, Thorn, Walker, Watts, Williams, Wood and Wright—49.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Brasher, Cain, Cooper, Coupland, Corsbie, Edwards, Franks, Gardner, Gonder, Groce, Gunter, Hall, Hardwick, M. Hendricks, Hill, A. Holly, Hough, J. H. King, McCall, McCollum, McGuire, McMullen, Murphy, Northcut, Perryman, Quinn, Whatley, Wilson and Young—36.

Mr. Jones, from the same committee, to whom was referred the bill to allow O. S. Quinn, late sheriff of Bibb county, certain fees for certain services rendered by him, reported that it is inexpedient to pass said bill.

Mr. Storrs moved to lay the report on the table, which motion was lost, and the report concurred in.

Mr. Jones, from the same committee, to whom was referred the bill in relation to presentations of claims against the estates of deceased persons, reported a substitute therefor, which was adopted.

On motion of Mr. Speaker, (Mr. Bridges in the chair,) the bill was laid on the table for the present.

Mr. Jones, from the same committee, to whom was referred the bill regulating the rate of interest in this State, reported a substitute therefor.

On motion of Mr. Jones, the further consideration of the subject, was postponed until Monday next, at 12, M., and the substitute made the special order of the day at that hour.

Mr. Jones, by the instructions of the same committee, offered the following resolution :

Resolved, That His Excellency the Governor be requested to communicate to this House all papers and all information in his possession, or in the office of the secretary of state, relative to the suit of the State vs. the branch bank at Huntsville.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of Holden Preslar, reported adversely thereto.

On motion of Mr. Stone, the report and bill were laid on the table.

Mr. M. A. King, from the same committee, to whom was referred the petition of Joseph Huber, and the petition of James H. Lee, reported adversely on each of said petitions. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill to emancipate John Hassell, and for the relief of Harriet Wilson, reported the same back without amendment.

Said bills were ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the account of David Hagedon, reported that the same had been improperly referred, and recommended its reference to the committee on accounts. The report was concurred in, and the account referred accordingly.

Mr. M. A. King, from the same committee, to whom was referred so much of the governor's message as refers to the services rendered by a clerk in the comptroller's office, reported a bill for the pay of clerk hire in the comptroller's office for the year 1849. Said bill was read and ordered to a second reading.

Mr. M. A. King, from the same committee, to whom was referred the account of Hardy Griffin, reported adversely thereto. The House refused to concur in said report.

On motion of Mr. Gates, the account was recommitted.

And then the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, November 28th, 1849.

The House met pursuant to adjournment.

Mr. Jemison, from the joint committee on rules for the two houses when in convention, reported the joint rules of the last legislature. The report was concurred in.

Mr. Young presented an account, which was referred to the committee on propositions and grievances.

Mr. Blevins presented the petition of Daniel M. Riggs, which was referred to the committee on propositions and grievances.

Mr. Blevins introduced joint resolutions for the benefit of the Central Masonic Institute, which were read and ordered to a second reading.

Bill were introduced by :

Mr. Coleman, to require grand jurors to have witnesses sworn as to the motives influencing them :

Mr. Watkins, to establish an election precinct at Allsboro, in the county of Franklin :

Mr. Gates, for the relief of Joseph H. Hinton, executor of Wm. Hinton, late of Greene county :

Mr. Critcher, to establish justices' courts in the county of Marshall :

Mr. Hudson, to incorporate the Wedowee and Arbacoochee rail road company :

Mr. Simmons, to provide for completing the records of the clerk's office of the circuit court of Tallapoosa county :

Said bills were severally read and ordered to a second reading.

Mr. Jones presented the account of Jacob McGee, which was referred to the committee on the military.

Mr. Gazzam presented the petition of Wm. A. Dawson, et al., which was referred to the committee on propositions and grievances.

The bill to simplify and curtail pleadings at law was taken from the orders, on motion of Mr. Gardner, and read the second time and referred to the committee on the judiciary.

Mr. Baker, from the committee on divorce and alimony, to whom was referred sundry records of divorce, reported a bill to divorce certain persons therein named, which was read and ordered to a second reading.

Mr. Baker, from the same committee, reported a bill to divorce Sarah A. Bennett from her husband Stephen R. Bennett, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Baker, from the same committee, to whom was referred the bills :

To divorce Mary Shehane from Bartholomew Shehane :

To divorce Rebecca M. Bass from Charles Bass :

To divorce Laura E. Martiniere from Julius A. Martiniere :

To divorce Sophronia J. Bates from Joseph V. Bates :

To divorce Arthenia Jones from Alfred Jones :

Reported that said cases are all included in the general bill reported on this day, and therefore it is unnecessary to pass these bills. The report was concurred in.

Mr. Aldridge, from the committee on accounts, to whom was referred the account of Levi Shackelford, reported that the same should not be allowed, as the prisoners are not yet discharged. The report was concurred in, and the account withdrawn.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of William McKey, reported a bill for the relief of Wm. O. McKey, which was read and ordered to a second reading.

Mr. Wood, from the committee on the penitentiary, to whom was referred the reports of the physicians and inspectors of the penitentiary, and so much of the governor's message as referred to the penitentiary, reported :

A bill to allow the lessee of the penitentiary a certain sum for work therein named :

A bill to impose additional duties on the inspectors of the penitentiary :

A bill requiring the lessee of the penitentiary to build a hospital, and for other purposes :

Said bills were severally read and ordered to a second reading.

On motion of Mr. Wood, 500 copies of the report of the inspectors and physician of the penitentiary, were ordered to be printed.

Mr. Rather, from the committee on 16th section fund, to whom was referred the petition of citizens of township 4, range 2, west, reported adversely thereto. The report was concurred in.

Mr. Edwards, from the select committee composed of the delegates from Shelby and St. Clair, to whom was referred the bill to provide for marking out the line between Shelby and St. Clair counties, reported the same back with amendments. The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Edwards, from the committee on public printing, made the following report :

'The committee on public printing in the Senate and House of Representatives, having had referred to their joint consideration, by resolution, the reports of the State treasurer and comptroller of public accounts, for the purpose of reporting such parts as may be thought material to be printed, beg leave respectfully to report, that upon examination of the treasurer's report they would recommend the printing of so much of the same as is contained

in pages 1, 2, 3, 4, 5, 6, 131, 132, 134, 135, 136, 137, 138 and 139, as they find that all the facts embodied in statements E. and F. are sufficiently set forth in statement D. and that all the information contained in statement I. is fully embodied in statement H.

They also find that the information given by the treasurer upon the second page in relation to the deficiency in the account of the late treasurer, renders it unnecessary to publish the correspondence upon that subject accompanying the report.

They also beg leave further to report, that upon examination of the comptroller's report, they would advise the printing of so much thereof as will embrace the letter of that officer to the Speaker of the House of Representatives and President of the Senate, including the balance sheet contained in statement No. 1, and the tables embodied in statements Nos. 5, 6, 7, 8 and 9.

All of which is respectfully submitted to the Senate and House of Representatives.

CHARLES McLEMORE,

Chairman on the part of the Senate.

JAMES M. EDWARDS,

Chairman on the part of the House.

On motion of Mr. Gardner, the above report, with two thousand five hundred copies of the condensed report of the treasurer, and seven thousand five hundred copies of the condensed report of the comptroller, were ordered to be printed.

Mr. Hendricks, from the committee composed of the delegation from Cherokee, to whom was referred the bill for the relief of Moses Scott, reported the same back with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of Thos. M. Cunningham, reported adversely thereto.

On motion of Mr. Williams, the report was laid on the table, and the bill ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of Elsbury Falls, reported adversely thereto. The report was concurred in.

Mr. Rives offered the following resolution, which was adopted :

Resolved, That the door keeper reserve the lobby, or such parts of it as may be necessary, for the accommodation of ladies visiting the House.

Mr. Aldridge offered the following as an additional rule :

"That hereafter whenever the yeas and nays are demanded, that no member shall be permitted to give reasons why he votes yea or nay after the call has commenced."

Said rule lies over one day.

A message from His Excellency the Governor, by Mr. Walshe :
EXECUTIVE DEPARTMENT, }
 Montgomery, November 27, 1849. }

*Gentlemen of the Senate
 and House of Representatives :*

In my biennial message, I stated the gross amount of the three per cent. fund that had been received from the United States, at \$496,060 46.

At the time of writing, I made a calculation from documents in my possession, to wit : a report from the assistant commissioner at the late State bank at Tuskaloosa, (marked A) containing a statement of the amount of that fund received by that bank ; a report from the comptroller of the United States treasury, (marked B) both of which are herewith submitted.

The last refers to the sum of \$21,574 56, paid by warrant, dated October 27, 1847, and the amount of arrearages of that fund that I have caused to be drawn since the commencement of my term.

The \$21,574 56, I supposed, was in the treasury, or had been paid over to the bank commissioner. But as no account of it could be found in the treasury department, I addressed a letter to the comptroller of the United States treasury after my message had gone to press, in order to ascertain in whose favor said warrant had been drawn, and to whom the amount had been paid, if paid at all.

Since the commencement of the session, I received from the comptroller of the United States treasury, a letter dated November 13, 1849, a copy of which is herewith submitted, (marked C) by which it appears that the said sum of \$21,574 56, was paid by two drafts in favor of the late treasurer of this State—one for \$5000 on the receiver of public moneys at Tuskaloosa, and the other of \$16,574 56 on the assistant treasurer of the United States at New Orleans, both of which had been received by him. Yet no note of entry can be found thereof, in the treasurer's or comptroller's office, nor in the books of the late State bank, though that sum was received nearly two years ago. In making the estimate, in order to state with accuracy the three per cent. fund, and other trust funds that had been received by the State, I discovered an apparent deficit of ~~the amount~~ above stated ; and after much inquiry, being able to find no record of the way in which that sum had been disposed of, I called upon the late treasurer of the State for an explanation, by my letter of the 24th inst., a copy of which (marked D) is herewith submitted, to which he has replied by a letter of the 26th inst., a copy of which (marked E) is also herewith submitted.

It will be observed that the late treasurer, in his letter to me,

refers to a casual conversation with me on the subject of said drafts. I have no distinct recollection of any such conversation, though it may have occurred; certainly I had no information or means of estimation that the sums referred to, which belong to the treasury, had not been paid over by him.

The apparent deficit of \$14,556 07 referred to, was not ascertained by the present treasurer until about the 6th July, 1848, and some time having been consumed in investigating the accounts to ascertain the result of the apparent deficit, this department was not advised of it until some time after that.

In view of these circumstances, I have instructed the attorney general to amend the legal proceedings instituted against the late treasurer, for the recovery of the sum of \$14,556 07, apparently due from him on the settlement with the present treasurer, so as to include the sum of \$21,574 56, lately discovered to be also due to the State; and I have instructed the bank commissioner to retain the sum said to be on special deposit in the State bank.

I now submit the case to the General Assembly for such further action as may be deemed advisable.

R. CHAPMAN.

The said message, together with the accompanying documents, were referred to the committee on internal improvements.

The engrossed bill to authorise W. W. Watkins to establish a ferry across the Tennessee river, was, on motion of

Mr. N. Davis, taken from the table and made the special order of the day for Monday next, at 12, M.

The House took a recess to enable the door keeper to prepare for the reception of the Senate.

The hour of 12, M., having arrived, the Senate, by invitation, appeared in the hall of the House, and the the two houses, in convention, proceeded to the election of a senator to fill the vacancy occasioned by the expiration of the term of service of the Hon. A. P. Bagby.

Mr. Fleming placed in nomination Mr. William R. King:

Mr. Wilson placed in nomination Mr. Reuben Chapman:

Mr. Jones placed in nomination Mr. A. F. Hopkins.

Those who voted for Mr. King are, Messrs. Beckett, Brindley, Coggin, Compton, Fleming, Garrett, Godbold, Gray, Kelly, Martin, Matthews, Storrs and Winston, of the Senate—13. Messrs. Speaker, Aldridge, Barrow, Brasher, Bridges, Coleman, Coupland, Crews, Corsbie, N. Davis, Edwards, Foscue, Goldsby, Hall, Hardwick, Heflin, Hill, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McCollum, McDonald, McGuire, McLeod, Northcutt, Perryman, Quinn, Rather, Rowe, Ryan, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wood and Wright, of the House—44—13: 57.

Those who voted for Mr. Chapman are, Messrs. Frazier, Garland, Stephenson and Winston, of the Senate—4. Messrs. Adams, Austin, Camp, Critcher, Franks, M. Hendricks, Murphy, Pickett, Skelton, Wilson and Young—11—4: 15.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, W. Hendrix, A. Holly, W. Holly, Hough, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, Patton, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins and Watts, of the House—42—16: 58.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a second time.

Those who voted for Mr. King are, Messrs. Beckett, Brindley Coggin, Compton, Fleming, Garrett, Godbold, Gray, Kelly, Martin, Matthews, Storrs and Winston, of the Senate—13. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Coleman, Coupland, Crews, Corsbie, N. Davis, Edwards, Fosene, Goldsby, Hall, Hardwick, Hefflin, Hill, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McCollum, McDonald, McGuire, McLeod, Northcutt, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wood, Wright, Young—46—13: 59.

Those who voted for Mr. Chapman are, Messrs. Frazier, Garland, Stephenson and Wilson, of the Senate—4. Messrs. Adams, Austin, Camp, Critcher, Franks, M. Hendricks, Murphy, Pickett and Wilson, of the House—9—4: 13:

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware, and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, W. Holly, Hough, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, Patton, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, and Watts of the House—43—16: 59.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the third time, the name of Mr. Chapman being withdrawn.

Those who voted for Mr. King are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Kelly, Martin, Matthews, Stephenson, Storrs, Wilson and Winston, of the Senate—17. Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Hellin, Hill, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McCollum, McDonald, McGuire, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Wilson, Wood, Wright and Young, of the House—54—17 : 71.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, W. Holly, Hough, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Reese, Reynolds, Rives, E. L. Smith, Storrs, Swanson, Walker and Watts, of the House—42—16 : 68.

Mr. Pickett voted for Mr. Daniel Coleman.

Mr. King having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected a senator in the Congress of the United States, from the State of Alabama, for the term prescribed by the constitution, commencing on the first day of March last.

Mr. Patton moved that the convention do now adjourn, which motion was lost. Yeas 62 ; Nays 69.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—17. Messrs. Ashley, Adams, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—45—17 : 62.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Kelly, Martin, Matthews, Storrs, Wilson and Winston, of the Senate—16. Messrs. Speaker, Aldridge, Austin,

Barrow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright, of the House—53—16 : 69.

The convention next proceeded to the election of a Senator to fill the vacancy occasioned by the death of the Hon. D. H. Lewis.

Mr. Garrett placed in nomination Mr. Benjamin Fitzpatrick.

Mr. Fleming placed in nomination Mr. Jeremiah Clemens.

Mr. Jones placed in nomination Mr. Arthur F. Hopkins.

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garrett, Godbold, Gray, Kelly, Matthews, Storrs and Winston, of the Senate—11. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cooper, Coupland, Critcher, Corsbie, N. Davis, Foscue, Goldsby, Hall, Hardwick, Heflin, Hill, Wm. Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Williams, Wood, Wright and Young, of the House—49—11 : 60.

Those who voted for Mr. Clemens are, Messrs. Frazier, Fleming, Garland, Martin, Stephenson and Wilson, of the Senate—6. Messrs. Adams, Austin, Cain, Critcher, L. R. Davis, Edwards, Franks, Goodman, M. Hendricks, Hough, M. A. King, McCollum, Patton, Pickett and Wilson, of the House—15—6 : 21.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Chisolm, Creagh, A. R. Davis, Gardner, Gates, Gazam, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker and Watts, of the House—34—16 : 50.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the second time.

Mr. Baker moved that the convention do now adjourn until to-morrow morning, at 10 o'clock, which motion was lost. Yeas 59; Nays 70.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart,

Tarrant, Ware and Watrous, of the Senate—17. Messrs. Ashley, Austin, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—42—17: 59.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Kelly, Martin, Matthews, Storrs and Winston, of the Senate—15. Messrs. Speaker, Adams, Aldridge, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Crews, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Hall, Hardwick, Heflin, M. Hendricks, Hill, W. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, Kennedy, J. H. King, M. A. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright, of the House—55—15—70.

Second ballot:

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garrett, Godbold, Gray, Kelly, Matthews, Storrs and Winston, of the Senate—11. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cooper, Coupland, Crews, Corsbie, N. Davis, Edwards, Foscue, Goldsby, Hall, Hardwick, Heflin, Hill, Wm. Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Ryan, Rowe, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Williams, Wood and Young, of the House—49—11: 60.

Those who voted for Mr. Clemens are, Messrs. Frazier, Fleming, Garland, Martin and Stephenson, of the Senate—5. Messrs. Adams, Austin, Cain, Critcher, L. R. Davis, Franks, Goodman, M. Hendricks, Hough, M. A. King, McCollum, Patton, Pickett, Wilson and Wright, of the House—15—5: 20.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Chisolm, Creagh, A. R. Davis, Gardner, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, William Hendrix, A. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson and Walker, of the House—33—16: 49.

Mr. Watts voted for John J. Ormond.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a third time.

Mr. L. R. Davis moved that the convention do now adjourn, which motion was lost. Yeas 60; Nays 71.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Fleming, Gunn, Judge, Manning, Martin, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous and Wilson, of the Senate—20. Messrs. Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, Gonder, Gates, Gazzam, Goodman, Gardner, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Jemison, Jones, Kennedy, Ligon, Lockwood, McCollum, Patton, Perkins, Pickett, Reese, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins and Watts, of the House—40—20 : 60.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Garland, Garrett, Godbold, Gray, Kelly, Matthews, Storrs and Winston, of the Senate—13. Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Crews, Corsbie, N. Davis, Edwards, Franks, Foscue, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, W. Holly, Hough, Hudson, Humphreys, Irby, James Kendrick, J. H. King, M. A. King, Lea, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Reynolds, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood, Wright and Young, of the House—58—13 : 71.

Third ballot:

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garland, Garrett, Godbold, Gray, Kelly, Matthews, Storrs and Winston, of the Senate—12. Messrs. Speaker, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cooper, Coupland, Crews, Corsbie, N. Davis, Edwards, Foscue, Goldsby, Hall, Hardwick, Heflin, Hill, W. Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Williams, Wood and Young of the House—48—12 : 60.

Those who voted for Mr. Clemens are, Messrs. Frazier, Fleming, Martin, Stephenson and Wilson, of the Senate—5. Messrs. Adams, Aldridge, Austin, Critcher, L. R. Davis, Franks, Goodman, M. Hendricks, Hough, M. A. King, McCollum, Patton, Perkins, Pickett, Reese, Wilson, Wright, of the House—17—5 : 22.

Those who voted for Mr. Hopkins are, Messrs. President,

Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware and Watrous---16. Messrs. Ashley, Baker, Benbow, Bowen, Blevins, Cain, Chisolm, Creagh, A. R. Davis, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson and Walker, of the House—31: 47.

Mr. Garduer voted for Mr. Nicholas Davis.

Mr. Watts voted for Mr. John J. Ormond.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time; when

Mr. Watts moved to adjourn until to-morrow morning, 10 o'clock, which motion was lost. Yeas 56: Nays 71.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Edwards, Judge, Manning, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—13. Messrs. Adams, Ashley, Austin, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, Garduer, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, A. Holly, Jemison, Jones, Kennedy, Ligon, Lockwood, McCollum, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House--43—13: 56.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Cocke, Compton, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Gunn, Kelly, Martin, Matthews, Stone, Wilson and Winston, of the Senate—18. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Coleman, Coupland, Crews, Corbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Hall, Hardwick, Heflin, Wm. Hendrix, Hill, Wm. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, Lea, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright, of the House—53—18: 71.

Fourth ballot:

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garland, Garrett, Godbold, Gray, Kelly, Matthews, Storrs and Winston, of the Senate—12. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cooper, Coupland, Crews, Corbie, N. Davis, Edwards, Foscue, Goldsby, Goodman, Hall, Hardwick, Heflin, Hill, Wm. Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, Lea, McDonald, McGuire, McMullen, McLeod, Murphy, North-

cut, Perryman, Quinn, Rather, Reynolds, Rowe, Ryah, Skelton, Simmons, Sowell, Stone. Thorn, Turner, Watkins, Whatley, Williams, Wood and Young of the House - 52—12: 64.

Those who voted for Mr. Clemens are, Messrs. Frazier, Fleming, Martin, Stephenson and Wilson of the Senate—5. Messrs. Adams, Austin Chisolm, Critcher, L. R. Davis, Franks, Gardner, M. Hendricks, Hough, Jemison, Kennedy, M. A. King, McCollum, Perkins Pickett, Reese, Wilson and Wright, of the House—18—5: 23.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Tarrant and Watrous of the Senate—15. Messrs. Ashley, Benbow, Blevins, Bowen, Cain, Creagh, A. R. Davis, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, A. Holly, Jones, Ligon, Lockwood, McCall, E. L. Smith, R. H. Smith, Storrs and Swanson, of the House—22—15: 37.

Mr. Ware, of the Senate, voted for Mr. Francis S. Lyon.

Mr. Baker, for Mr. James Abercrombie.

Mr. W. Hendrix, for Mr. Wm. Phillips.

Mr. Patton, for Mr. L. P. Walker.

Mr. Rives, for Mr. J. E. Belser.

Mr. Walker, for Mr. James Abercrombie.

Mr. Watts, for Mr. William M. Murphy.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fifth time; when

Mr. Gonder moved that the convention do now adjourn until to-morrow morning at 10 o'clock, which motion was lost. Yeas 58; Nays 66.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Fleming, Gunn, Judge, Manning, Martin, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous, Wilson and Winston, of the Senate—20. Messrs. Adams, Ashley, Baker, Benbow, Blevins, Bowen, Cain, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, W. Hendrix, A. Holly, Jemison, Jones, Kennedy, Ligon, Lockwood, McCall, McCollum, Perkins, Pickett, Rather, Reese, Ryan, E. L. Smith, Swanson, Walker, Watkins and Watts, of the House—38—20: 58.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Garland, Garrett, Godbold, Gray, Kelly, Matthews, McLemore and Storrs, of the Senate—13. Messrs. Speaker, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Chisolm, Coupland, Crews, Corsbie, N. Davis,

Edwards, Foscue, Franks, Goldsby, Goodman, Hall, Hardwick, Heflin, M. Hendricks, Wm. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, Lea, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Patton, Perryman, Quinn, Rowe, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Wilson, Wood, Wright and Young, of the House,—53—13 : 66.

Fifth ballot :

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garland, Garrett, Godbold, Gray, Kelly, Matthews, O'Neal, Storrs and Winston of the Senate—13. Messrs. Speaker, Aldridge, Barrow, Boon, Brasher, Bridges, Camp, Cooper, Coupland, Crews, Corsbie, N. Davis, Edwards, Foscue, Goldsby, Goodman, Hall, Hardwick, Heflin, Hill, William Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, Lea, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Reynolds, Rowe, Ryan, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Williams, Wilson, Wood and Young of the House—52 --13 : 65.

Those who voted for Mr. Clemens are, Messrs. Frazier, Fleming, Martin, McLemore, Stephenson and Wilson of the Senate—6. Messrs. Adams, Austin, Chisolm, Critcher, L. R. Davis, Franks, Gonder, M. Hendricks, Hough, Jemison, Kennedy, M. A. King, McCollum, Patton, Perkins, Pickett, Reese, Storrs and Wright—19—6 : 25.

Those who voted for Mr. Hopkins are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Murphy, Judge, Stewart and Tarrant, of the Senate—10. Messrs. Ashley, Benbow, Blevins, Bowen, Cain, Creagh, A. R. Davis, Gardner, Gates, Gazzam, Groce, Gunter, Hatcher, Wm. Hendrix, A. Holly, Jones, Ligon, Lockwood, McCall, Rives, E. L. Smith, R. H. Smith and Swanson, of the House—23—10 : 33.

Messrs. Manning, Morrissett, Ware and Watrous, of the Senate, voted for Mr. Francis S. Lyon.

Mr. Baker, for Mr. Samuel F. Rice.

Mr. Walker voted for Mr. James Abercrombie.

Mr. Watts voted for Mr. Silas Parsons.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the sixth time, when

Mr. Baker moved that the convention do now adjourn until to-morrow morning, 10 o'clock.

A point of order having arisen, Mr. President decided that a motion to adjourn being made, any member of the convention could demand the yeas and nays on said motion.

From which decision Mr. Cooper appealed.

The question, shall the decision of the chair stand as the decision of the convention, was decided affirmatively. Yeas 83; nays 22.

Those who voted in the affirmative are, Messrs. President, Beckett, Brindley, Cocke, Coggin, Compton, Edwards, Frazier, Fleming, Garland, Garrett, Godbold, Gray, Gunn, Kelly, Manning, Matthews, O'Neal, Stephenson, Stewart, Storrs and Wilson, of the Senate—21. Messrs. Aldridge, Austin, Baker, Benbow, Blevins, Boon, Bowen, Bridges, Cain, Coupland, Crews, N. Davis, Edwards, Foscue, Gardner, Gates, Gazzam, Goldsby, Groce, Hall, Hardwick, Hatcher, Heflin, William Hendrix, Wm. Holly, Hudson, Humphreys, Irby, James, Jones, Kendrick, J. H. King, Lea, Ligon, McDonald, McGuire, McMullen, McLeod, Northcut, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Sowell, E. L. Smith, Stone, Thorn, Turner, Walker, Watts, Whatley, Williams, Wilson and Wood of the House—62—21: 83.

Those who voted in the negative are, Messrs. Buford, Judge, Ware and Watrous, of the Senate—4. Messrs. Ashley, Barrow, Brasher, Chisolm, Coleman, Cooper, Corsbie, L. R. Davis, Franks, Goodman, Gonder, A. Holly, Jemison, McCollum, Murphy, Swanson, Wright and Young, of the House—18—4: 22.

The question recurred on the motion of Mr. Baker, to adjourn, which motion prevailed. Yeas 69; nays 62.

Those who voted in the affirmative are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Fleming, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware, Watrous, Wilson and Winston, of the Senate—20. Messrs. Adams, Ashley, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Gonder, Groce, Gunter, Hatcher, Wm. Hendrix, Hill, A. Holly, Jemison, Jones, Kennedy, M. A. King, Ligon, Lockwood, McCall, McMullen, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Ryan, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams and Wright, of the House—49—20: 69.

Those who voted in the negative are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Garland, Garrett, Godbold, Gray, Kelly, Martin, Matthews and Storrs, of the Senate—13. Messrs. Speaker, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Coupland, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Hall, Hardwick, Heflin, M. Hendricks, Wm. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, Lea, McDonald, McGuire, McMullen, McLeod, Murphy, Northcut, Perryman, Quinn, Rowe, Skelton, Simmons, Sowell, Stone, Thorn, Turner, Whatley, Wilson, Wood and Young, of the House—49—13: 62.

The Senate then withdrew; and the House adjourned until to-morrow morning, at 10 o'clock.

THURSDAY, November 29th, 1849.

The House met pursuant to adjournment.

Bills were introduced by:

Mr. Aldridge, to amend an act approved 6th of March, 1848, to provide for the assessment and collection of taxes:

Mr. Kendrick, requiring the judge of the second judicial circuit to continue the court two weeks for the county of Coosa at the next term, provided it shall be necessary to complete the business of said court:

Mr. A. Holly, to reduce the fees of the circuit and county clerks of Covington county:

Mr. McCollum, to regulate presentments for assaults and batteries and affrays:

Mr. A. R. Davis, for the relief of Calvin J. Golley, late sheriff of Greene county, and his securities, Jesse Gibson, William R. Hamlett, Asa White and James Murphy:

Mr. N. Davis, to repeal certain laws now in force:

Said bills were severally read and ordered to a second reading.

Mr. Gardner presented the accounts of M'Cormick & Walshe and M'Cormick & Brittan, which were referred to the committee on printing.

Mr. Quinn presented the account of Enoch Latham, which was referred to the committee on propositions and grievances.

Mr. M. A. King presented the petition of sundry citizens of Triana, Madison county, Alabama, which was referred to the committee on corporations.

Bills were introduced by:

Mr. Lockwood, to be entitled an act to amend and explain an act entitled an act to incorporate the Mobile and Ohio rail road company:

Mr. Lockwood, to incorporate the Mobile and Dog river plank road company:

Mr. Rives, to be entitled an act for the relief of Mrs. Harriet Petus, of Montgomery county:

Mr. Rives, to be entitled an act for the relief of Mrs. Susan Hawley, of the city of Montgomery:

Mr. Hill, more effectually to provide for the protection of grand jurors, petit jurors, and witnesses:

Mr. Jemison, to make drunkenness a ground of divorce:

Mr. Cain, to be entitled an act to alter and amend an act entitled an act to revise and amend an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved March 6th, 1848:

Said bills were severally read and ordered to a second reading.

Mr. Hill, from the committee on internal improvements, to whom was referred a resolution instructing them to inquire into the expediency of allowing the commissioners' courts in the respective counties, by a vote of a majority of the voters in said counties, to subscribe for and take stock in such rail or plank roads as may pass through or in the vicinity of said counties, reported adversely thereto, and on motion of

Mr. Cooper, it was recommitted.

Mr. Hill, from the committee on internal improvements, to whom was referred a resolution directing them to inquire into the expediency of passing a general plank road law, reported it inexpedient to pass any general law on that subject.

On motion of Mr. Jones, the report was laid on the table.

Mr. King, from the committee on propositions and grievances, to whom was referred the petition of Martha Jane Toole, reported a bill for the relief of Martha Jane Toole, which was read and ordered to a second reading.

Mr. Aldridge offered the following resolution :

That hereafter, when the yeas and nays are demanded, no member shall be permitted to give reasons why he votes yea or nay, after the call has commenced ;

Which was lost.

Mr. Humphreys offered the following resolution :

Resolved, That the committee on ways and means be instructed to report a revenue bill on the *ad valorem* basis, as near as possible ;

Which Mr. James moved to lay on the table ; and

Mr. Bridges moved to postpone until Friday next, which motion prevailed.

Mr. Hatcher obtained leave of absence until next week.

Engrossed bill effectually to provide for the opening of private roads, was read the third time.

Mr. Cooper moved to amend by engrossed ryder, as follows :

SECTION 2. *And be it further enacted*, That it is hereby made the duty of persons to whom a private way shall be granted, under the provisions of said act, through the plantation of another, to build and keep in repair any lane fences which shall be necessary in opening said private way ; and said commissioners' court shall specify a time in which said fences shall be made ; and if the same is not made within the time prescribed, or shall, by the person, his or her heirs or assigns, to whom the said right of way shall be granted, be permitted to dilapidate and get out of repair, then the said commissioners' court shall, upon complaint made by the person through whose plantation said right of way is granted, and upon giving ten days' previous notice to the adverse party, revoke the said order granting the said private way :

Provided, It shall appear upon due proof made, that the complaint is true ; unless said fences are made or repaired before the day of the hearing of said complaint.

Said ryder was read three times and the bill passed.

Engrossed bills :

To change the name of Martha A. Bates :

Providing for the pay of jurors in Sumter county :

To repeal an act entitled an act to define and regulate the duties of county treasurer and tax collector for the county of Russell :

For the relief of James M. Gee :

To repeal an act approved 25th of February, 1848 :

To define more perfectly the corporate limits of the town of Decatur, in the county of Morgan, and for other purposes therein named :

To legalise a certain marriage therein named, and for other purposes :

To constitute a company beat or beats in the county of Jefferson, with a less number of privates than forty :

To change the names of certain persons therein named :

Authorising Green B. Chaney, of Sumter county, to invest the moneys of his son Bailey E. :

To repeal an act entitled an act to authorise the same individual to hold the office of clerk of the circuit and county courts of Marion county, approved January 1st, 1841 :

To authorise James W. Hill, of Madison county, to remove certain property :

For the relief of Mirdouch M. McLeod :

For the relief of the heirs of T. R. H. Wiggins :

For the relief of Harriet Wilson :

To emancipate John Hassell :

For the relief of Thomas M. Cunningham :

For the relief of Moses Scott, and for other purposes :

To provide for marking out the boundary line between the counties of Shelby and St. Clair :

Were severally read the third time and passed.

Mr. Storrs, from the committee on enrolled bills, reported as correctly enrolled, the bills to make an appropriation for the payment of the members and officers of the present General Assembly :

Also, to legalise a certain marriage therein named.

Bills from the Senate :

To amend the road law, as to Dallas county :

To change the pay of jurors and witnesses in the county of Tuskaloosa :

To change the name of the Coosa manufacturing company to the Bradford manufacturing company, and for other purposes :

To incorporate the Eufaula and Mobile rail road company :

For the relief of Russell Williams and William W. Greenwood, of Macon county :

Were severally read a second time and ordered to a third reading.

For the relief of William Armstead and Robert C. Macon, was read a second time and referred to the committee on the judiciary.

To amend the road law of this State, was read a second time and referred to the committee on roads, bridges and ferries.

To incorporate a medical college of the State of Alabama, at Montgomery, was read a second time and referred to the committee on corporations :

To provide for the selection of school lands in lieu of the 16th sections, in the Chickasaw purchase, was read the second time and referred to the committee on the 16th sections :

To amend the law in relation to the offence of petit larceny, was read the second time, and on motion of

Mr. Northcut, laid on the table.

For the relief of Thos. L. McGowan of Macon county, was read the second time and referred to the committee on accounts.

For the more effectually prosecuting persons trading with slaves illegally :

For the relief of Samuel V. Jordan and Wm. Javrell, was read the second time and referred to the committee on the judiciary :

To provide for paying jurors in justices' courts in Blount county, was read a second time and ordered to a third reading.

To prevent the commissioners' court of the county of Lauderdale, from laying a higher tax than fifty per cent. upon the State tax. Read the second time and referred to a select committee composed of the delegation from Lauderdale:

To incorporate a volunteer horse company at Perryville, in Perry county, was read the second time and referred to the committee on the military :

For the relief of Wm. Taylor, of Jefferson county, was read the second time.

Mr. Watts moved to refer the bill to a select committee of five physicians of this House.

Mr. N. Davis moved to refer it to the committee on propositions and grievances, which last motion prevailed.

The hour of 12 having arrived, the Senate, by invitation, appeared in the hall of the House, and the two houses in convention resumed the election of a senator to fill the vacancy occasioned by the death of the Hon. D. H. Lewis.

Mr. Jones withdrew the name of A. F. Hopkins.

Those who voted for Mr. Fitzpatrick are, Messrs. Beckett, Brindley, Coggin, Compton, Garland, Garrett, Godbold, Gray, Kelly, Matthews, O'Neal and Storrs, of the Senate—12. Messrs. Speaker, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cooper, Coupland, Crews, Corsbie, N. Davis, Foscue, Goldsby, Hall, Hardwick, Heflin, Wm. Hendrix, Hill, Wm. Holly, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, Lea, McDonald, McGuire, McMullen, McLeod, Northcut, Perryman, Quinn, Rather, Rowe, Ryan, Simmons, Sowell, Stone, Thorn, Turner, Watkins, Whatley, Williams and Wood, of the House—46.

Those who voted for Mr. Clemens are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Frazier, Fleming, Gunn, Judge, Martin, McLemore, Morrissett, Murphy, Stephenson, Stewart, Tarrant, Ware, Watrous and Wilson, of the Senate—19.

Mr. Winston voted for Mr. Lyon.

Messrs. Adams, Aldridge, Austin, Baker, Benbow, Blevins, Bowen, Cain, Chisolm, Creagh, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, M. Hendricks, A. Holly, Hough, Jones, Kennedy, M. A. King, Ligon, McCall, McCollum, Murphy, Patton, Perkins, Pickett, Reese, Reynolds, Rives, Skelton, Storrs, Swanson, Walker, Watts, Wilson, Wright and Young, of the House—47.

Mr. Jemison voted for Mr. Ormond.

Mr. Lockwood, for Nicholas Davis.

Messrs. E. L. Smith and R. H. Smith voted for Mr. Lyon.

Mr. Clemens having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected a senator in the Congress of the United States, for the term prescribed by the constitution, commencing on the 4th of March, 1847.

The Senate then withdrew, and on motion of

Mr. Gardner, the House adjourned until to-morrow morning at 10 o'clock. Yeas 52; nays 40.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Blevins, Boon, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, L. R. Davis, N. Davis, Edwards, Gardner, Gates, Goodman, Gonder, Groce, Gunter, Hall, M. Hendricks, Wm. Hendrix, Hill, Hough, Irby, Kennedy, M. A. King, Lea, Ligon, McCollum, McDonald, McGuire, Murphy, Perkins, Rather, Reese, Reynolds, Rives, Ryan, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Watts, Williams, Wilson and Wright—52.

Those who voted in the negative are, Messrs. Speaker, Ashley, Barrow, Bowen, Brasher, Bridges, Coleman, Coupland, Foscue,

Franks, Gazzam, Goldsby, Hardwick, Hatcher, Heflin, A. Holly, Wm. Holly, Hudson, Humphreys, James, Jemison, Jones, Kendrick, J. H. King, Lockwood, McCall, McMullen, McLeod, Northcut, Patton, Perryman, Quinn, Rowe, Skelton, Simmons, E. L. Smith, Thorn, Whatley, Wood and Young—40.

FRIDAY, November 30th, 1849.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Foscue, to prevent the introduction of slaves into this State from States or territories preparing to emancipate :

Mr. Ligon, to declare a certain person therein named a feme sole :

Mr. Adams, to incorporate the Marshall Cavaliers :

Mr. Lockwood, to repeal an act to improve the navigation of bayou La Batrie, in the county of Mobile :

Said bills were severally read and ordered to a second reading.

Mr. Quinn presented the account of John W. Hays, which was referred to the committee on propositions and grievances.

Mr. Boon introduced a bill for the relief of James Martin, tax collector of Dale county, and for other purposes, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on propositions and grievances.

Mr. Patton introduced a bill to require the judges of the circuit courts to preside in all the circuits of the State successively, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. Patton introduced a bill allowing tax collectors in North Alabama to make payment to the assistant commissioners of the branch bank at Huntsville and Decatur, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on ways and means.

Mr. Gonder introduced a bill to repeal an act to prevent camp hunting in the county of Covington, which was read and ordered to a second reading.

Mr. Adams moved to re-consider the vote just taken on ordering said bill to a second reading, which motion prevailed. Yeas 62; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Bowen, Bridges, Cain, Chisolm, Coleman, Cooper, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Groce, Heflin, M. Hendricks, A. Holly, W. Holly, Humphreys, M. A. King, Ligon, McCall, McCollum, McDonald, McGuire, Mc-

Leod, Northcut, Patton, Perryman, Pickett, Reese, Reynolds, Ryan, Skelton, E. L. Smith, Stone, Storrs, Thorn, Turner, Walker, Wilson, Wood, Wright and Young—62.

Those who voted in the negative are, Messrs. Brasher, Camp, Coupland, Creagh, Crews, Critcher, Corsbie, Foscue, Gates, Gaz-zam, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Wm. Hendrix, Hilt, Hudson, Irby, Jones, Kendrick, J. H. King, Lea, Lockwood, Quinn, Rives, R. H. Smith, Swanson, Watkins, Whatley and Williams—32.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has originated and passed a bill for the relief of Louisa Parish, in which they ask the concurrence of the House of Representatives.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill to repeal an act, approved January 26th, 1848, reported that they are unable to understand the object contemplated by the bill, and that in the absence of the information, they recommend its rejection.

On motion of Mr. Hall, the report was laid on the table, and the bill referred to a select committee composed of the delegation from Dale.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill for the relief of Matilda S. Pinkston, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to provide for the establishment of election precincts and the election of county treasurer and county surveyor, by the qualified voters of Benton county, reported that the first section of the bill proposing to give to the commissioners' court of roads and revenue the power of establishing election precincts, is contrary to the provisions of the 8th section of the third article of the constitution, and should for this reason be stricken out. The counties of Marshall and St. Clair were added after "Benton," by said committee.

On motion of

Mr. Humphreys, the report, bill and proposed amendments, were laid on the table until to-morrow.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of E. Pond, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Nelson Parsons, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of M. A. Dawson, et. al., reported a bill to con-

from a certain deed therein named, which was read and ordered to a second reading.

Mr. M. A. King, from the same committee, to whom was referred the account of Hardy Griffin, reported a bill to compensate Hardy Griffin of Perry county. Said bill was read and ordered to a second reading. Yeas 59; nays 23.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Benbow, Blevins, Bowen, Bridges, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Gonder, Groce, Gunter, Hall, Wm. Hendrix, A. Holly, Wm. Holly, Hough, Irby, James, Jones, Kendrick, J. H. King, Lea, Ligon, Lockwood, McCall, McDonauld, McGuire, Patton, Perkins, Perryman, Pickett, Reynolds, Rives, Ryan, Skelton, Simmons, E. L. Smith, Stone, Swanson, Thorn, Turner, Walker, Watkins, Williams, Wilson, Wood and Young—59.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Boon, Coleman, Coupland, N. Davis, Edwards, Foscue, Goodman, Hardwick, Heflin, M. Hendricks, Hill, Humphreys, M. A. King, McCollum, Murphy, Northcut, Quinn, Reese, Whatley and Wright—23.

Mr. Aldridge, from the committee on accounts, to whom was referred the bill for the relief of Thomas L. McGowan, of Macon county, reported the same back as having been improperly referred, and recommended its reference to the committee on propositions and grievances. The report was concurred in, and the bill referred accordingly.

Mr. Kendrick offered the following resolution, which was adopted:

Resolved, That, with the concurrence of the Senate, the two houses will assemble in the hall of the House on Tuesday next, at 12 o'clock, for the purpose of electing a judge of the county court for the county of Coosa.

Mr. Blevins offered the following resolution, which was adopted:

Resolved, That, with the concurrence of the Senate, the two houses will meet in the hall of the House on Monday, the 10th of December next, at 12 o'clock, for the purpose of electing a judge of the county court for the county of Dallas.

Leave of absence was granted to Mr. Rowe until Tuesday next.

Mr. Gates offered the following resolution, which was adopted

Resolved, That the committee on ways and means be and they are hereby instructed to enquire into the expediency of changing the time for the collection of taxes so as to require them to be collected in the early part of the year.

The hour of 12 having arrived, the House proceeded to the consideration of the special order of the day, it being the resolution offered by Mr. Humphreys on yesterday.

Mr. Jones moved to amend said resolution, when, on motion of Mr. Perkins, the resolution and proposed amendment were postponed until 'Tuesday next, and made the special order of said day at the hour of 11 o'clock, A. M.

Bills from the Senate :

To amend the road laws as to Dallas county :

To change the pay of jurors and witnesses in the county of Tuskaloosa :

To change the name of Coosa manufacturing company to the Bradford manufacturing company :

To incorporate the Eufaula and Mobile rail road company :

To provide for paying jurors in justices' courts in the county of Blount :

Were severally read the third time and passed.

The bill from the Senate for the relief of Russell Williams and Wm. W. Greenwood, of Macon county, was read the third time, and the House refused to pass said bill. Yeas 20 ; Nays 58.

Those who voted in the affirmative are, Messrs. Adams, Baker, Benbow, Blevins, A. R. Davis, L. R. Davis, Gardner, Gazzam, Goldsby, Groce, Gunter, Wm. Hendrix, Hill, Lea, Ligon, McCall, McGuire, Turner, Walker and Whatley—20.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Boon, Bowen, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, Crews, Creagh, Critcher, Corsbie, N. Davis, Foscue, Franks, Gates, Goodman, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, Jones, Kendrick, J. H. King, M. A. King, McCollum, McDonald, McLeod, Murphy, Northcut, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Thorn, Watkins, Williams, Wilson, Wood and Wright—58.

The bill to establish a bank adequate to the commercial and financial purposes of the State of Alabama, was read the second time and referred to the committee on banks and banking.

The bills :

To repeal in part the laws in relation to insolvent estates :

To repeal an act to prevent the sacrifice of real estate :

To prevent fraudulent assignments :

To amend the law upon the subject of depositions :

To make prosecutors liable for cost in certain cases :

To enable defendants in criminal cases to take testimony by interrogatories :

To amend the criminal code :

Were severally read the second time and referred to the committee on the judiciary.

The bill to divorce Sarah H. Claffey from Matthew Claffey, and to change her name to Sarah H. Calloway, was read the second time and referred to the committee on divorce and alimony.

The bill for the relief of Wm. E. O'Hara, was read the second time and referred to the committee on 16th section fund.

The bill to provide an appropriation for the per diem pay of the members and officers of the General Assembly,

And joint resolutions ratifying certain proposed amendments therein named, to the constitution of the State of Alabama, were read the second time and laid on the table.

The bill for the relief of Wm. B. Payne, of Randolph county, Alabama, was read the second time and referred to the committee on propositions and grievances.

The bill to require the annual publication of the condition of the treasury of the county of Pickens, was read the second time and referred to the committee composed of the delegation from Pickens:

The bills:

To divorce Isaac Teague from his wife, Delia Teague:

To divorce certain persons therein named:

To repeal an act approved Dec. 20th, 1847:

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to prevent the payment of county tax in Covington county being made in jurors' certificates, was read the second time.

Mr. McGuire moved to amend said bill by inserting the county of Tuskaloosa after the word Covington, which motion prevailed, and the bill ordered to be engrossed for a third reading.

The bill to regulate the number, appointment, duties, and compensation of the inspectors of the penitentiary, was read the second time and referred to the committee on the penitentiary.

And then the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 1st, 1849.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Barrow.

Bills were introduced by:

Mr. Quinn, in relation to the compensation of the sheriff and clerks of Bibb county for ex officio services:

Mr. Wm. Holly, for the relief of Sarah Ann Anderson, of Coffee county:

Mr. Watkins, to establish an election precinct at the town of Chickasaw, Franklin county:

Mr. Lea, to amend the stray laws :

Mr. R. H. Smith, concerning the construction of mills, and for other purposes :

Mr. R. H. Smith, to change certain election precincts in Sumter and Cherokee counties :

Said bills were severally read and ordered to a second reading.

Mr. Cooper moved to reconsider the vote by which the House on yesterday refused to pass the bill from the Senate for the relief of Russell Williams and William W. Greenwood, of Macon county.

The House refused to reconsider said vote.

Mr. Wilson presented the account of Morrison & Cocke :

Mr. Lockwood presented the account of W. H. Platt and P. Hamilton :

Which were severally referred to the committee on accounts.

Mr. Humphreys, from the committee on the judiciary, to whom was referred the bill to require grand jurors to perform certain acts, and for other purposes, reported the same back.

Mr. Baker moved to amend as follows :

Provided, The county of Russell shall be exempt from the provisions of this act.

On motion of

Mr. M. A. King, the bill and the amendments were laid on the table.

Mr. R. H. Smith, from the committee on the judiciary, to whom was referred the resolution instructing said committee to inquire into the propriety of consolidating suits on bills of exchange, when all the parties live in the same county, reported adversely thereto.

Mr. Pickett, from the same committee, to whom was referred the bill to alter the law upon the subject of dower, reported adversely thereto.

Mr. Watkins moved to lay the report and the bill on the table.

Mr. Gardner called for a division of the question, which was first taken on the report and carried.

The House refused to lay the bill on the table.

Mr. Humphreys moved the indefinite postponement of the bill.

Mr. Ligon moved its postponement until the third Monday in December, which motion prevailed.

Mr. Jones, from the same committee, to whom was referred the bill from the Senate providing for the more effectual prosecution of persons trading illegally with slaves, reported the same back with an amendment, and recommend its passage as amended.

The amendment was concurred in.

Mr. Lockwood moved to amend as follows :

Provided, That the provisions of this act shall not extend to the free colored inhabitants of Mobile and Baldwin counties.

Mr. Perkins moved to amend the amendment by striking out Mobile and Baldwin counties, and inserting the State.

On motion of

Mr. Humphreys, the bill, together with the proposed amendments, were recommitted.

Mr. Jones, from the same committee, to whom was referred the bill to establish a supreme court for the hearing of causes at Huntsville, reported:

That the bill is repugnant to the provisions of the constitution. The first section of the fifth article of the constitution provides that the judicial power of this State shall be vested in one supreme court; and the fourth section of the fifth article provides that the supreme court shall be holden at the seat of government, but may adjourn to a different place if that has become dangerous from an enemy or from a disease.

The bill is repugnant to both of these provisions. From these considerations, the committee report adversely thereto.

On motion of

Mr. Speaker, (Mr. N. Davis in the chair,) the report was laid on the the table.

Mr. Speaker moved to amend as follows:

On motion of

Mr. Watkins, the county of Franklin was added to the first section of the bill.

On motion of

Mr. Speaker, the bill was laid on the table for the present.

Mr. Jones, from the same committee, to whom were referred the bills:

To prevent vexatious law suits:

To authorise the joining of representatives of deceased persons in the same action with the survivor:

Regulating the taking of bonds in cases where writs of supercedeas issue:

Reported adversely to said bills.

The report was concurred in.

Mr. R. H. Smith, from the same committee, to whom was referred the bill regulating the acknowledgement of proof of the execution of conveyances, reported a substitute therefor, which was adopted.

On motion of

Mr. Ryan, the bill was laid on the table, and two hundred copies thereof ordered to be printed.

Mr. Hill, from the committee on internal improvements, to whom was referred the bill to incorporate the Sipsey navigation company, reported the same back with amendments.

On motion of

Mr. Stone, the report and bill were laid on the table for the present.

Mr. Aldridge, from the committee on accounts, reported the account of David Hagedon, as not properly authenticated.

The account was withdrawn.

Mr. Blevins, from the committee on corporations, to whom were referred the bills :

To incorporate the Mobile musical association :

To incorporate a medical college of the State of Alabama, at Montgomery :

Reported the same back.

Said bills were severally ordered to a third reading.

Mr. Blevins, from the same committee, to whom was referred the petition for the incorporation of the town of Triana, reported that it is inexpedient to legislate thereon, as provision is made for it by the existing laws.

Mr. Blevins, of the same committee, to whom was referred the bill from the Senate to incorporate the Prattville engine company, reported the same back.

On motion of

Mr. Hall, the bill was referred to a select committee composed of the delegation from Autauga.

Mr. Rives, from the committee on the State capitol, reported joint resolutions in relation to the colors of the Alabama battalion, and for other purposes, which was read and ordered to a second reading.

Mr. McGuire, from the committee on enrolled bills, reported as correctly enrolled :

An act to amend an act to prevent the storage of gunpowder in larger quantities than fifty pounds :

For the relief of Wm. Saulter and Edward Simmons.

Mr. Ryan, from the same committee, reported as correctly enrolled : An act to repeal in part an act to compel certain persons to work on public roads in Blount and Jackson counties.

A message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, December 1st, 1849. }

HON. L. P. WALKER,

Speaker of the House of Representatives :

Sir—In answer to a resolution of the House of Representatives of the 27th inst., requiring all papers and information in this department, or in the office of the Secretary of State, relative to the suit of the State vs. the branch bank at Huntsville, I have the honor to enclose herewith the following papers, which contain all the information I am in possession of on the subject referred to, viz :

- 1st. A letter from Mr. Donaldson, acting assistant commissioner at the branch bank at Mobile to John Whiting, Esq.
- 2d. My letter to the attorney general of the State.
- 3d. The reply of that officer thereto.
- 4th. My address to Silas Parsons.

I refer the House of Representatives to the report of the treasurer containing the correspondence between that officer and Mr. Lyon, the commissioner of the State bank and branches, touching this subject.

I have the honor to be,

Very respectfully,

Your obedient servant,

R. CHAPMAN.

The message and the accompanying documents were referred to the committee on the judiciary.

Mr. Bridges made the following report :

The select committee to whom was referred that part of the governor's message which relates to the death of James K. Polk, late President of the United States, together with the resolutions of the State of New Hampshire upon the same subject, have had the same under consideration and ask leave to submit the following report : That while we bow with humble submission to this afflictive dispensation of Providence, we deeply sympathise with the bereaved widow and afflicted relations of the deceased in the death of one endeared to them by the tenderest ties as well as by the constant exercise of all the virtues which can elevate and embellish our common nature ; and with the people of our whole Union, in the loss of an eminent citizen and a most distinguished statesman. It is not within the province or consistent with the duties of your committee to invade the sanctity of that private and hallowed circle so lately radiant with joy and hope but now made desolate by the hand of death. To those composing that circle your committee can only commend the comforts of religion and its soothing hopes, which alone can dispel the gloom of the grave.

In contemplating the death of James K. Polk there are sources of high though mournful consolation to his friends and countrymen. The darkness which rests upon his tomb is illuminated by the reflection that in private life his character was unspotted ; as a citizen, he was virtuous and useful ; and as chief magistrate of this growing commonwealth of free and independent States, he was wise and patriotic. While yet in the vigor of life he was stricken down just at the close of his brilliant and eventful administration. It was his peculiar good fortune to be elevated to the chief magistracy at a much earlier period of life than had fallen to the lot of any of his illustrious predecessors ; and in the

inscrutable ways of Providence it has been his lot, at a much earlier period of life than was allotted to them, to be "gathered to his fathers." He was not spared to witness the full development of the distinguished measures of his administration, nor to see the influence which they were destined to exert upon the institutions of his country. These must be submitted to the tests and scrutiny of time and truth. His name is connected with important events in his country's history. To impartial history his name is now committed to be held in trust for posterity. Under our free political institutions, the talents, services and fame of public men are justly and properly appreciated; and when they have passed from amongst us their memory is cherished as the common property of a common country.

Your committee dwelt with pleasure and rational pride upon the important fact, so highly illustrative of the genius of our people, that no matter what passions may have been awakened in political controversy, or what differences may have divided the living, they rise into nationality in its most imposing form when an illustrious patriot and statesman falls in their midst. They assemble in a spirit of national fraternity as common mourners; around his honored grave pay the just tribute of national grief and respect to his virtues and services, and treasure up and guard his fame as part of their national inheritance. It was in this spirit that the ancient commonwealth of Rome treasured up and perpetuated the fame of her illustrious benefactors. It was in this spirit that Athens mourned her fallen heroes and sages, and transmitted their names and examples to posterity. It was in this spirit that Sparta mourned over the grave of her Leonidas, and gave perpetual verdure to the turf that covered him. In this spirit the people of the United States have honored the memory of their departed statesmen, and have mingled their common sympathies around the grave of the illustrious dead. The cultivation of the generous impulses, so honorable to our common nature, was worthy of Sparta, of Athens, and of Rome. It is worthy of the people of the United States, and is worthy of the people of Alabama, here, speaking through the voice of their assembled representatives, to pay the just tribute due to the memory of a patriot statesman. Your committee therefore submit the following joint resolutions:

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it was with deep and painful regret we received the intelligence of the sudden and unexpected death of James K. Polk, late President of the United States.

2. *Resolved,* That we sincerely sympathise with the bereaved widow and mourning relatives of the deceased in their melancholy affliction.

3. *Resolved*, That in the death of James K. Polk the people of the United States have lost a virtuous citizen, a pure patriot, and an enlightened statesman ; and political freedom everywhere has lost one of its most successful defenders.

4. *Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing resolutions to the widow of James K. Polk, late President of the United States.

The report was concurred in, and the resolutions unanimously adopted.

On motion, the House adjourned until Monday morning, 10 o'clock. Yeas 56 ; Nays 23.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Benbow, Blevins, Brasher, Cain, Camp, Coleman, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Gardner, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, Hudson, Jones, J. H. King, M. A. King, Lea, Ligon, McCollum, McDonald, McGuire, Murphy, Patton, Perkins, Pickett, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Williams, Wilson, Wright and Young—56.

Those who voted in the negative are, Messrs. Ashley, Baker, Boon, Bowen, Bridges, N. Davis, Foscue, Franks, Gates, Goldsby, A. Holly, W. Holly, Hough, Humphreys, Jones, Northcut, Perryman, Quinn, Reese, Reynolds, Ryan, Simmons, Whatley and Wood—23.

MONDAY, December 3d, 1849.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Wood, to exempt from levy and sale tools of certain mechanics therein named, and for other purposes :

Mr. W. Holly, to provide a set of weights and measures for the county of Coffee :

Mr. W. Holly, to adjust and settle the debt due from the county of Coffee to that of Dale :

Mr. Gates, to enlarge the power of the intendant and council of the town of Eataw :

Mr. Ligon, to regulate the presentments of grand juries for misdemeanors :

Mr. Ryan, to repeal a certain act therein named :

Mr. Stone, for the relief of Nancy Wilson, of Pickens county :

Mr. Baker, constituting Michael W. Murphy a citizen of Russell county :

Mr. Hill, to abolish and establish election precincts in Sumter county :

Said bills were severally read and ordered to a second reading.

Mr. Patton presented the petition of Charles and Ellen Williamson, which was referred to the committee on the judiciary :

Mr. McCollum introduced a bill to authorise Henry C. McCollum to erect a toll bridge across New river, which was read and the constitutional rule being suspended, was read the second time and referred to the committee on roads, bridges and ferries.

Mr. Austin introduced a bill to require the State Treasurer to sell the old State Capitol, which was read, and the House refused to order it to a second reading :

Mr. Jones, from the committee on the judiciary, to whom was referred the bill from the Senate for the relief of Wm. Armstead and Robert C. Macon, reported the same back, and the bill was ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred the bill from the Senate for the relief of S. V. Jordan and Wm. Javrell, reported the same back, and the bill was ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to amend the penal code, and the bill to require the judges of the circuit courts to preside in all circuits of this State, successively, reported the same back with amendments, which were concurred in, and the bills ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred a bill to provide a fund for the payment of petit juries, reported adversely thereto. Yeas 50; nays 30.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Benbow, Blevins, Boon, Bowen, Cain, Camp, Coupland, Creagh, Critcher, A. R. Davis, L. R. Davis, Gardner, Goldsby, Groce, Hill, A. Holly, Wm. Holly, Hough, Humphreys, Irby, James, Jones, M. A. King, Ligon, McCall, McCollum, McDonald, Murphy, Patton, Perryman, Pickett, Rather, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Watkins, Williams, Wood and Wright—50.

Those who voted in the negative are, Messrs. Brasher, Bridges, Chisolm, Coleman, Cooper, Crews, N. Davis, Edwards, Foscue, Franks, Gates, Gonder, Hardwick, Hefflin, Wm. Hendrix, Hudson, J. H. King, Lea, Lockwood, McGuire, Northcut, Perkins, Quinn, Ryan, Simmons, Storrs, Turner, Whatley, Wilson and Young—30.

Mr. Jones, from the same committee, to whom was referred a bill to enable defendants in criminal cases to take testimony by interrogatories, reported adversely thereto. The report was concurred in. Yeas 72; nays 5.

Those who voted in the affirmative are, Messrs. Speaker,

Adams, Aldridge, Ashley, Austin, Baker, Benbow, Blevins, Boon, Bowen, Brasher, Bridges, Cain, Coupland, Creagh, Crews, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Heflin, Wm. Hendrix, Hill, A. Holly, Wm. Holly, Hough, Hudson, Irby, James, Jones, J. H. King, Ligon, Lockwood, McCall, McDonald, Murphy, Northcut, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Whatley, Williams, Wilson, Wood, Wright, and Young—72.

Those who voted in the negative are, Messrs. Cooper, Critcher, Humphreys, Lea and McCollum—5.

Mr. Jones, from the same committee, to whom was referred the bill to make prosecutors liable for cost in certain cases, reported adversely thereto.

On motion of Mr. Cooper, the report, bill and proposed amendments, were laid on the table for the present.

Mr. Jones, from the same committee, to whom was referred the bill to repeal an act to prevent the sacrifice of real estate, reported the same back.

Mr. M. A. King moved the indefinite postponement of the report and bill, which motion prevailed. Yeas 42; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Austin, Baker, Benbow, Bridges, Brasher, Camp, Coupland, Critcher, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Gazzam, Groce, Hardwick, M. Hendricks, Wm. Hendrix, Wm. Holly, Hudson, Humphreys, Irby, M. A. King, Lea, McCall, McCollum, Murphy, Northcut, Patton, Perkins, Pickett, Reese, Reynolds, Ryan, Simmons, Storrs, Thorn, Watkins, Wilson and Wright—42.

Those who voted in the negative are, Messrs. Adams, Ashley, Boon, Bowen, Cain, Coleman, Cooper, Creagh, Crews, N. Davis, Edwards, Foscue, Goldsby, Goodman, Gonder, Heflin, Hill, A. Holly, Hough, Humphreys, Irby, James, Jones, J. H. King, Ligon, Lockwood, McDonald, McGuire, Perryman, Rather, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Whatley, Williams, Wood and Young—37.

Mr. Jones moved to reconsider the vote by which the bill to require judges of the circuit courts to preside in all the circuits of the State successively, was on this morning ordered to a third reading, which motion prevailed, and the constitutional rule being suspended, the bill was read the third time and passed. Yeas 55; nays 23.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Benbow, Blevins, Boon, Bowen, Bridges, Cain, Camp,

Cooper, Coupland, Creagh, Crews, A. R. Davis, L. R. Davis, Fos-
cne, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Heflin,
Hill, A. Holly, Hough, Hudson, Humphreys, Irby, James, Jones,
J. H. King, Ligon, Lockwood, McDonald, McGuire, Patton, Per-
kins, Perryman, Pickett, Rather, Reynolds, Ryan, E. L. Smith,
R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Whatley,
Williams, Wright and Young—55.

Those who voted in the negative are, Messrs. Adams, Aldridge,
Austin, Brasher, Critcher, N. Davis, Edwards, Franks, Gardner,
Hall, Hardwick, M. Hendricks, W. Hendrix, W. Holly, Lea,
McCall, McCollum, Murphy, Northcut, Simmons, Thorn, Wilson
and Wood—23.

A motion was made to adjourn, and lost. Yeas 22; Nays 56.

Those who voted in the affirmative are, Messrs. Speaker,
Adams, Blevins, Bridges, Cain, Cooper, Creagh, Critcher, L. R.
Davis, Edwards, Goldsby, Gonder, Groce, Gunter, Humphreys,
Hudson, M. A. King, McCollum, McGuire, Perkins, Ryan, Stone
and Turner—22.

Those who voted in the negative are, Messrs. Aldridge,
Ashley, Austin, Baker, Benbow, Boon, Bowen, Brasher, Camp,
Chisolm, Coleman, Coupland, Crews, N. Davis, Foscne, Franks,
Gardner, Gates, Gazzam, Goodman, Hall, Hardwick, Heflin, M.
Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Irby,
James, Jones, J. H. King, Lea, Ligon, Lockwood, McCall, Mc-
Donald, Murphy, Northcut, Patton, Perryman, Pickett, Rather,
Rowe, Reynolds, Simmons, E. L. Smith, R. H. Smith, Swanson,
Thorn, Watkins, Whatley, Williams, Wilson, Wood, Wright and
Young—56.

The hour of 12 having arrived, the House proceeded to the
consideration of the special order of the day for that hour, it
being the bill regulating the rate of interest in this State.

Mr. Baker moved to amend as follows:

Provided, that this act shall not extend to or alter the rate of
interest, where wards are concerned.

On motion of Mr. Cooper, the said amendment was laid on
the table.

Mr. Baker moved further to amend by striking out the word
“six,” wherever it occurs, and inserting “eight,” which mo-
tion was lost. Yeas 24; nays 51.

Those who voted in the affirmative are, Messrs. Baker, Bowen,
Camp, N. Davis, Goldsby, Goodman, Gonder, Hall, Heflin, M.
Hendricks, A. Holly, W. Holly, Hudson, Irby, Lea, Northcut,
Perryman, Reese, Simmons, E. L. Smith, Swanson, Turner,
Whatley and Williams—24.

Those who voted in the negative are, Messrs. Speaker, Adams,
Aldridge, Ashley, Austin, Benbow, Boon, Brasher, Bridges, Cain,

Coleman, Cooper, Conpland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Foscoe, Franks, Gardner, Gates, Gazzam, Groce, Gunter, Hardwick, Hough, Humphreys, James, Jones, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McGuire, Murphy, Patton, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Storrs, Thorn, Watkins, Wilson, Wood, Wright—51.

Mr. Northcut moved to strike the words "eight" and "ten" wherever they occur.

Pending which question,

Mr. Gardner moved to suspend the further consideration of the special order of the day to enable him to offer the following resolution :

Resolved, That the committee on the State capitol be instructed forthwith to procure the services of a competent mechanic to examine the condition of the ceiling of the capitol, as it is understood to be unsafe, with instructions to report on to-morrow morning, at 10 o'clock, A. M.

The motion to suspend prevailed, and the resolution was adopted.

And then the House adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, December 4th, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Mr. Rives, from the committee on State capitol, who were instructed to report at this hour, reported that they had, with the assistance of competent mechanics, examined the roof of the capitol, and agree that there is no present danger. The committee therefore recommend that there be no interruption to the sitting of the House.

The committee of the Senate having met with this committee, the joint committee will continue their examination.

Bills were introduced by :

Mr. Young, to change an election precinct in Benton county :

Mr. Austin, to regulate the fees of solicitors in this State :

Mr. Ligon, providing for an additional term of the chancery court in the county of Macon :

Mr. Wright, to require justices of the peace to return papers :

Mr. Gazzam, to refund certain taxes overcharged :

Mr. Lea, to simplify, arrange, consolidate and improve the laws authorising the evidence of witnesses to be taken by deposition :

Mr. Lea, to authorise the orphans' court of Perry county to take and exercise jurisdiction over the estate of Felix N. Tarrant, deceased :

Mr. Baker, to amend an act entitled an act to incorporate the Girard rail road company, approved the 21st of January, 1846:

Mr. McGuire, to compensate clerks and sheriffs in certain cases:

Said bills were severally read and ordered to a second reading.

Mr. Quinn presented the account of John C. Carson, which was referred to the committee on propositions and grievances.

Mr. Rowe, the account of W. A. Mitchell; and

Mr. McGuire, the account of S. H. Skelton:

Which were severally read and referred to the committee on accounts.

Mr. Heflin presented the petition of R. A. Jones, which was referred to the committee on propositions and grievances.

Mr. Humphreys, from the committee on the State bank and branches, to whom was referred the petition of Joseph Krebs, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of R. W. Coltart, reported the same back.

The bill was ordered to be engrossed for a third reading.

Mr. Wilson, from the committee on the military, to whom was referred the bill to incorporate a volunteer company therein named, reported the same back with amendments, which were concurred in, and the bill ordered to a third reading.

Mr. Wilson, from the committee on the military, to whom was referred the bill from the Senate to incorporate a volunteer horse company, at Perryville, Perry county, reported the same back.

The bill was ordered to a third reading.

Mr. Edwards, from the committee on public printing, to whom was referred the account of M'Cormick & Walshe, and M'Cormick & Brittan, reported a bill to appropriate three hundred and fifty dollars, to pay for printing and advertising for the State.

Said bill was read and ordered to a second reading.

Mr. R. H. Smith, from the committee on the judiciary, to whom was referred the bill to prevent fraudulent assignments, reported the same back with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Ryan, from the joint committee to examine the vote on the proposed amendments to the constitution, at the last general election, reported that a large majority of those voting for representatives, had voted for the adoption of said proposed amendments, and therefore the committee reported joint resolutions ratifying the proposed amendments to the constitution of the State of Alabama.

Said joint resolutions were read and ordered to a second reading.

Mr. Boon, from the select committee composed of the delegation from Dale, to whom was referred the bill to repeal an act

approved January 26th, 1848, reported the same back with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Aldridge, from the committee on accounts, to whom was referred the account and vouchers of the Secretary of State for stationery for the use of the supreme court, the executive and State offices and the General Assembly, reported that the amount appropriated by the last legislature and drawn by the Secretary of State for this purpose, was twelve hundred dollars; that the amount paid out, as per vouchers, is eleven hundred and fifty-three 82-100 dollars—leaving forty-six 18-100 in the hands of the Secretary of State unexpended.

Two hundred dollars of the amount expended is for blank books required to reorganise the comptroller's and treasurer's offices under the act of the last legislature, which would make the ordinary outlay for this branch of public service only about nine hundred and fifty dollars. The committee find that the amount expended in this instance has been economically and carefully applied with strict regard to the interests of the State, the articles having been purchased from first hands at low prices, thereby making a considerable saving to the State.

The hour of 12 having arrived, the House resumed the consideration of the special order of the day for that hour, it being the bill regulating the rate of interest in this State.

The question recurred on the motion of Mr. Northcut, to strike out "eight" and "ten," with a view of making six per cent. the legal interest of this State.

After some time spent in discussion, on motion of

Mr. Humphreys, the further consideration of the bill and the proposed amendments was postponed until Thursday next, and made the special order of the day for that day, at 11 o'clock, A. M.

The House next proceeded to the consideration of the next special order of the day, it being the engrossed bill to authorise W. W. Watkins to establish a public ferry across the Tennessee river.

On motion of

Mr. Nathaniel Davis, the bill was indefinitely postponed. Yeas 51; nays 31.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Blevins, Boon, Brasher, Chisolm, Coleman, Cooper, Coupland, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Goldsby, Goodman, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, Wm. Hendrix, Hough, Hudson, James, Kendrick, Kennedy, J. H. King, Lea, Lockwood, McLeod, Murphy, Northcut, Patton, Perkins, Perryman, Pickett, Reynolds,

Simmons, E. L. Smith, Stone, Storrs, Thorn, Walker, Whatley, Wilson, Wood and Young—51.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Benbow, Bowen, Bridges, Cain, Camp, Crews, Critcher, Corsbie, Gates, Gazzam, A. Holly, Wm. Holly, Humphreys, Irby, M. A. King, McCollum, McDonald, McGuire, Quinn, Rather, Reese, Rowe, Ryan, R. H. Smith, Turner, Watkins, Williams and Wright—31.

The House next proceeded to the consideration of the third special order of the day, it being the resolution offered by Mr. Humphreys, on the 29th ult.

The question recurred on the adoption of the following amendment, heretofore offered by

Mr. Jones, to strike out after the word resolved, and insert :

1. That the committee on ways and means be instructed, in preparing a revenue bill, so to form such bill as to tax all property and capital equally, on the *ad valorem* principle as nearly as practicable, and to impose no taxation on labor or industry.

2. That the said committee be further instructed, to report such a tax bill as will raise an annual revenue sufficient to pay the interest on the State debt, and also the expenses of the State government.

Mr. R. H. Smith moved to postpone the further consideration of the subject until Thursday next, and make it the special order of the day, at the hour of 11, A. M., which motion was lost.

Mr. Hill moved the indefinite postponement of the resolution and amendment, pending which question,

The House adjourned until to-morrow morning, at 11 o'clock.

WEDNESDAY, December 5, 1850.

The House met pursuant to adjournment.

On motion of

Mr. Humphreys, the vote by which the House on yesterday concurred in the report from the committee on the State bank and branches, adverse to the petition of Joseph Krebs, was reconsidered.

Mr. Cooper (by leave) offered the following resolution, which was adopted :

Resolved, That the committee on the State capitol be instructed to make a further examination of the roof and ceiling of the State capitol, with a view of ascertaining its present condition and safety, and what repairs may be necessary ; and that they be authorised to procure the assistance of competent mechanics or architects, in making such examination, and to examine witnesses on oath, and to report the result of such examination to this House as soon as practicable.

Mr. Gardner presented the account of State printers, which was referred to the committee on public printing.

Mr. Rives presented the account of Lewis Owen, which was referred to the committee on accounts.

Mr. Wilson presented the petition of James Gill and Daniel M. Martin, which was referred to the committee on ways and means.

Bills were introduced by :

Mr. Hardwick, to repeal in part an act therein named :

Mr. A. Holly, to provide for the drawing a jury for the county court of Covington county, and for other purposes :

Mr. Perryman, to provide for paying grand and petit jurors in the county of Henry :

Mr. Northcut, to repeal an act therein named :

Mr. Hendrix, for the relief of Mary Martin, of Perry county :

Mr. Lea, to authorise Green B. Wolley to practice and charge for his services as a physician :

Mr. Stone, to incorporate the Pickens guards :

Mr. Heflin, to repeal an act therein named, approved February 4th, 1848 :

Mr. Turner, to incorporate the Choctaw county male and female academies :

Said bills were severally read and ordered to a second reading.

Mr. R. H. Smith introduced a bill providing for bail and process of *ca. sa.*, and for the repeal of existing laws relative to the same, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on the judiciary.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill from the Senate for the relief of Wm. Taylor, of Jefferson county, reported adversely thereto.

On motion of

Mr. Camp, the report was laid on the table and the bill ordered to a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of Richmond A. Jones, reported adversely thereto.

The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of James Martin, tax collector of Dale county, and for other purposes, reported the same back with amendments, and recommended its passage as amended. The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was

referred the petition of Riley H. Perdue, reported that the same had been improperly referred, and recommended its reference to the committee on State bank and branches. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Daniel Peebles, of Conecuh county, reported adversely thereto.

On motion of

Mr. Ashley, the report was laid on the table.

Mr. Ryan moved to lay the bill on the table, which motion was lost, and the bill ordered to be engrossed for a third reading.

Mr. Aldridge, from the committee on accounts, reported a bill making appropriations to pay certain claims against the State, which was read and ordered to a second reading.

Special order :

The hour of 11, A. M., having arrived, the House resumed the consideration of the special order of that hour, it being the resolution of Mr. Humphreys and the amendments thereto offered by Mr. Jones.

The question recurred on the motion of

Mr. Hill to indefinitely postpone the resolution and amendments.

Mr. Aldridge moved to lay the amendment on the table.

Mr. Hall moved to lay the resolution and amendment on the table.

Mr. Aldridge called for a division of the question, which was first taken on the amendment and carried. Yeas 54 : nays 34.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Bowen, Brasher, Camp, Chisolm, Coleman, Cooper, Coupland, Crews, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Goldsby, Goodman, Groce, Gonder, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, W. Holly, Humphreys, Kennedy, M. A. King, Lea, McDonald, McGuire, McLeod, Murphy, Patton, Perkins, Perryman, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, Turner, Williams, Wilson and Wright—54.

Those who voted in the negative are, Messrs. Speaker, Blevins, Bridges, Cain, Critcher, Corsbie, Gardner, Gates, Gazzam, Gonder, A. Holly, Hudson, Irby, James, Jones, Kendrick, J. H. King, Ligon, Lockwood, McCall, McCollum, Northcut, Pickett, Quinn, R. H. Smith, Stone, Storrs, Swanson, Thorn, Walker, Watkins, Whatley, Wood and Young—34.

The question recurred on laying the resolution on the table, which motion was lost. Yeas 23 ; nays 64.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Blovinus, Boon, Crews, A. R. Davis, L. R. Davis, Goldsby,

Goodman, Gunter, Hall, Hatcher, Wm. Hendrix, Hill, Kennedy, Lea, McDonald, McLeod, E. L. Smith, Stone, Turner, Walker and Williams—23.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Austin, Baker, Benbow, Bowen, Brasher, Bridges, Cain, Camp, Chisolm, Cooper, Coupland, Creagh, Critcher, Corsbie, N. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Gonder, Groce, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, Jones, Kendrick, M. A. King, J. H. King, Ligon, Lockwood, McCall, McCollum, McGuire, Northcut, Patton, Perkins, Perryman, Pickett, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, R. H. Smith, Storrs, Swanson, Thorn, Watkins, Whatley, Wilson, Wood, Wright and Young—64.

Mr. Jones moved to amend by adding thereto the words "and imposing no tax on labor or industry."

Mr. N. Davis moved the previous question.

The question: Shall the main question be now put, was decided in the negative. Yeas 28; nays 56.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Benbow, Blevins, Boon, Brasher, Camp, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Hall, Hatcher, M. Hendricks, Kennedy, McCollum, Murphy, Northcut, Reese, E. L. Smith, Turner, Whatley and Wilson—28.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Cain, Bridges, Cooper, Creagh, Crews, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Heflin, Wm. Hendrix, Hill, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood, McDonald, McGuire, McLeod, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, Simmons, R. H. Smith, Stone, Storrs, Swanson, Thorn, Walker, Watkins, Williams, Wood, Wright and Young—56.

The question recurred on the adoption of the above amendment of Mr. Jones, when after some time spent in discussion, on motion of Mr. Humphreys, the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, December 6th, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Also the following documents transmitted from His Excellency the Governor:

1. The report of commissioners to examine the Bank at Mobile.

2. A report from the legislature of Maine on the subject of slavery, which was referred to the committee on federal relations.

3. A report and resolutions from the same body on the subject of an agricultural bureau at Washington city. Referred to the committee on agriculture.

Bills were introduced by:

Mr. Gardner, to abolish the allowance of tare or gross weight on bales of unmanufactured cotton:

Mr. Gardner, to increase the pay of grand and petit jurors for the county of Barbour:

Mr. Bowen, to extend the time of leasing the poor house of Butler county:

Mr. Boon, to change the place of holding the chancery court for the 8th district of the southern chancery division of Alabama:

Mr. Watkins, to amend an act to establish LaGrange college:

Mr. Watkins, to amend the laws pertaining to dower:

Mr. Ligon, amending the law as to service of writs:

Mr. Humphreys, to repeal a certain act therein named:

Mr. M. A. King, to emancipate a certain slave therein named:

Mr. Northcut, to regulate the attendance upon regimental and battalion musters in the county of Marion:

Mr. Bridges, to incorporate the stockholders of the Wilcox female institute:

Said bills were severally read and ordered to a second reading.

Reports:

Mr. Aldridge, from the committee on accounts, reported that the accounts of W. A. Mitchell, Phillip Pritchett, Morrison & Cook and J. Marion Sims are not state charges, and that it would be inexpedient to allow the account of W. H. Platt and Peter Hamilton. The report was concurred in and the accounts severally withdrawn.

Mr. Wilson, from the committee on military, to whom was referred the resolution instructing said committee to enquire into the expediency of repealing the laws exempting property from execution for military fines, reported adversely thereto. The report was concurred in.

Mr. Rowe, from the committee on agriculture, to whom were referred joint resolutions in relation to the creating of an agricultural bureau at Washington city, reported the same back with amendments, which were concurred in.

Mr. Bridges moved to refer the subject to the committee on federal relations.

Mr. J. H. King moved its indefinite postponement.

Mr. Aldridge, (by leave,) the subject under consideration being suspended, offered the following resolution:

Resolved, That the use of this hall be given to the Hon. Sam.

Houston, senator from Texas, to enable him to address the public at such an hour on this afternoon as he may designate.

Mr. Gardner moved to lay said resolution on the table, which motion was lost. Yeas 9; nays 73.

Those who voted in the affirmative are, Messrs. Blevins, L. R. Davis, Gardner, Groce, Hall, A. Holly, Jones, J. H. King and Ligon—9.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Kendrick, Kennedy, M. A. King, Lockwood, McCall, McCollum, McDonald, McLeod, Murphy, Northcut, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Whatley, Williams, Wilson, Wood, Wright and Young—73.

And the resolution was adopted.

The motion of

Mr. Bridges, to refer; and of

Mr. J. H. King, to indefinitely postpone the joint resolutions in relation to an agricultural bureau at Washington city, being withdrawn, the question recurred upon the adoption of said joint resolutions, which was decided affirmatively. Yeas 51; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Hatcher, W. Hendrix, Hill, Wm. Holly, Hudson, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McLeod, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Walker, Watkins and Young—51.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Boon, Brasher, Bridges, Coleman, Coupland, Crews, Corsbie, Edwards, Franks, Gazzam, Hall, Hardwick, Heflin, M. Hendricks, Hough, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, Murphy, Northcut, Perryman, Quinn, Ryan, Simmons, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright—37.

Mr. L. R. Davis moved to adjourn, which motion was lost. Yeas 34; nays 49.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Cooper, Creagh, Crews, Critcher, Corsbie, L.

R. Davis, N. Davis, Gardner, Goldsby, Gonder, Groce, Hefflin, W. Hendrix, Hudson, Irby, Jemison, Kennedy, M. A. King, McCol-lum, Murphy, Perkins, Pickett, Rather, Reese, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins and Wright—34.

Those who voted in the negative are, Messrs. Ashley, Austin, Baker, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, A. R. Davis, Edwards, Franks, Gates, Goodman, Hall, Hardwick, Hatcher, W. Holly, Hough, Humphreys, James, Jones, Kendrick, J. H. King, Ligon, Lockwood, McCall, McLeod, Northcut, Patton, Perryman, Quinn, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, Thorn, Walker, Whatley, Williams, Wilson, Wood and Young—49.

On motion of Mr. Jemison, the bill to incorporate the Tuska-loosa plank road company was taken from the messages of the Senate.

The House concurred in first and second amendments of the Senate to said bill, and refused to concur in the third and fourth amendments.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate concurs in the resolution of the House, proposing to elect a judge of the county court of Dallas county on Monday, the 10th instant, and have amended the same by adding also a judge of the county court of Lawrence county. The Senate have amended the resolution to elect a judge of the county court of Coosa county on Thursday, the 4th instant, by striking out Thursday, the 4th instant, and inserting Monday, the 10th.

The House then adjourned.

FRIDAY, December 7th, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

On motion of Mr. Williams, the call of the counties was suspended, with a view of resuming the consideration of the special order of the day under consideration on yesterday.

The question recurred on the adoption of Mr. Jones' amendments.

On motion of Mr. N. Davis, the said amendments were laid on the table. Yeas 53 ; nays 32.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Coupland, Critchfield, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Groce, Hall, Hardwick, M. Hendrix, Wm. Holly, Hough, Humphreys, Irby, James, Jemison, Kennedy, J. H. King, M. A. King, McCollum, McDonald, McGuire, McLeod, Murphy, Northcut, Perryman, Quinn, Rather, Reynolds, Rowe, Ryan,

Skelton, Simmons, Sowell, R. H. Smith, Storrs, Thorn, Turner, Wilson, Wood and Wright—53.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Creagh, Crews, A. R. Davis, Gonder, Gates, Gazzam, Goldsby, Goodman, Gardner, Hatcher, Heflin, W. Hendrix, A. Holly, Hudson, Jones, Lea, Ligon, Lockwood, Patton, Pickett, Rives, E. L. Smith, Swanson, Walker, Watkins, Watts, Williams and Young—32.

Mr. Gates moved to amend said resolution as follows: strike out all after the word "resolved," and insert "that the committee on ways and means be and are hereby instructed in preparing a revenue bill, to adopt as a standard the present revenue bill, and to propose such amendments thereto as they may think expedient and proper."

Mr. N. Davis moved the previous question.

The question, Shall the main question be now put? was decided affirmatively.

And the resolution was adopted—Yeas 76; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Barrow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Coupland, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Gazzam, Goldsby, Goodman, Groce, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McGuire, McLeod, Murphy, Northcut, Patton, Perkins, Perrymann, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Sowell, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—76.

Those who voted in the negative are, Messrs. Ashley, Creagh, Hall, Wm. Hendrix, Lea, McDonald, Swanson and Wood—9.

Bills were introduced by:

Mr. Gardner, to incorporate the Enfaula and Barbour county mutual insurance company:

Mr. Young, for the better compensation of jurors:

Mr. Blevins, to incorporate the Union bridge company: to confer certain powers on the Central Masonic Institute of Alabama:

Mr. Patton, to incorporate the Florence marine and fire insurance company:

Mr. L. R. Davis, to change the time of holding the county court of Limestone county:

Mr. Gonder, to protect factors and commission merchants:

Mr. Ligon, to divorce certain persons therein named:

Mr. McLeod, to incorporate the town of Orion, in the county of Pike:

Mr. Reynolds, to change the names of Edward Henry and Mary Janett Varnell, and for other purposes :

Mr. Stone, for the benefit of Carrollton female academy :

Mr. Jemison, to appropriate the furniture of the late legislative halls in Tuscaloosa :

Said bills were severally read and ordered to a second reading.

Mr. Simmons presented the account of John Alderson, which was referred to the committee on accounts.

Mr. Perkins presented the petition of sundry citizens of Tuscaloosa county, which was referred to the committee on privileges and elections.

Mr. Hall, by leave, offered the following resolution, which was adopted :

Resolved, That the use of the hall of the House of Representatives be given to the medical association of the State of Alabama on Monday next, at 6 p. m., for the delivery of the annual oration customary to be delivered to said body.

Special order :

The hour of 11 o'clock having arrived, the House resumed the consideration of the special order for that hour, it being the bill regulating the rate of interest in this State.

The question recurred on the motion of Mr. Northcut, to strike out the words "eight" and "ten," where they occur in said bill ; which motion was lost.

Mr. Aldridge moved to amend the bill by striking out all after the enacting clause and inserting "that hereafter the rate of legal interest in this state shall be six per cent. per annum, and no more."

On motion of Mr. Kennedy, the bill and amendments were laid on the table. Yeas 53 ; nays 36.

Those who voted in the affirmative are, Messrs. Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Coupland, Creagh, Critcher, A. R. Davis, N. Davis, Franks, Goodman, Groce, Hall, Heflin, A. Holly, W. Holly, Hudson, Jemison, Kendrick, Kennedy, Ligon, Lockwood, McCall, McCollum, McLeod, Patton, Pickett, Quinn, Reese, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, Stone, Storrs, Turner, Walker, Watkins, Whatley, Williams, Wilson, Wood and Young—53.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Bridges, Cooper, Crews, Corsbie, L. R. Davis, Edwards, Gardner, Gates, Gazzam, Gonder, Hardwick, Hatcher, M. Hendricks, Wm. Hendrix, Hough, Humphreys, Irby, James, Jones, J. H. King, M. A. King, Lea, McGuire, Murphy, Northcut, Perryman, Rather, Ryan, R. H. Smith, Swanson, Thorn, Watts and Wright—36.

General orders :

The hour of 12 having arrived, the House proceeded to the consideration of the orders of the day.

The engrossed bills :

For the relief of M. S. Pinkston :

To repeal an act approved Dec. 20th, 1847 :

To prevent jurors' certificates being received in payment of county taxes in the counties of Covington and Tuscaloosa :

For the relief of Nelson Parsons :

Engrossed bills :

To divorce Isaac Teague from his wife Delia Teague :

To divorce certain persons therein named :

To incorporate the Mobile musical association :

To amend the penal code :

To repeal an act approved Jan. 26th, 1848 :

To prevent fraudulent assignments :

For the relief of R. W. Coltart :

To incorporate a volunteer company therein named :

For the relief of Daniel Peebles of Conecuh county :

Were severally read the third time and passed.

The engrossed bill for the relief of James Martin, tax collector of Dale county, and for other purposes, was read the third time.

Mr. Storrs moved to amend said bill by way of engrossed ryder, as follows :

“ SECTION 2. *And be it further enacted*, That in case suit shall be instituted upon said bond, a copy of the written consent of securities, certified by the State comptroller, shall be prima facie evidence upon the trial of such consent having been given by the securities of said tax collectors.”

Said ryder was read third time and adopted.

The bills from the Senate :

To incorporate a medical college at Montgomery :

For the relief of Wm. Armstead and R. C. Macon :

For the relief of Sam. V. Jordan and William Javrell :

For the relief of Wm. Taylor, of Jefferson county :

To incorporate a volunteer company at Perryville, in Perry county :

Were severally read third time and passed.

The bills :

To consolidate the offices of clerk of the circuit and county courts of Walker :

To authorise Ezekiel Andrews, jr. to sell certain slaves therein named :

Were severally read the second time, and ordered to be engrossed for a third reading.

Mr. Jemison, from the joint select committee to examine the account and vouchers of Frances S. Lyon, reported :

The joint committee appointed by the two houses of the General Assembly to audit and settle the accounts of F. S. Lyon, Esq., commissioner and trustee appointed to settle the affairs of the State bank and branches; showing the receipts and disbursements by said commissioner and trustee on account of the State, have performed the duty assigned them and instructed me to report.

They were furnished by the commissioner with an account in detail of moneys received by him since the passage of the act of 4th February, 1848, appointing him as sole commissioner and trustee to settle up and close the affairs of the State bank and branches, also the expenditures by him on account of the State during the same period, which account is herewith submitted for the information of the two houses.

Your committee inquired into the mode of keeping the accounts at the several banks so as to test the accuracy of the several items with which the commissioner stands charged, and to satisfy themselves there had been no omission to charge moneys for which he was accountable. They found that all moneys collected under his supervision at each bank, went into the custody of the assistant commissioner of the bank where collected, whose duty it was to keep a regular account of all collections. These accounts have been all reported to the General Assembly. Whenever any money has been withdrawn from any bank on the order of the commissioner, the amount was charged to his account at the bank whence it was drawn, and the assistant commissioners have rendered accounts of all moneys paid by them to the order of the commissioner, or placed to his credit, and subject to his order.

On settlement of accounts of the former board of commissioners at the last session of the General Assembly, there was found to be on hand a balance arising from bank collections the sum of \$1,067,019 84. This sum was charged to the present commissioner; in addition to which it will be seen from the debit side of the account herewith submitted, he has since received the several amounts with which he is therein charged from the State bank and branches and from the State treasury. Upon a careful examination of each item on the debit side of the account, and a comparison thereof, with the entries made at the several banks by the cashier, or assistant commissioner of each, your committee became fully satisfied with the correctness of the debit side of the commissioner's account. They then proceeded carefully to examine each item on the credit side, growing out of payments of interest on the foreign debt of the State, the reducing the principal of the State debt, and the purchase of treasury notes, as shown in the report of the commissioner to the present General Assembly, made 19th ultimo.

The vouchers relating to each item of expenditure were severally and carefully examined, and the result has been that every item was sustained by a proper and satisfactory voucher, and the credit side throughout found to be correct, as stated.

Your committee next proceeded to count the bonds discharged, and treasury notes on hand, and found, as stated in the report of the commissioner, the sum of \$2,476,666 57 of the bonds of the State have been taken up and cancelled, and that there is on hand in six per cent. treasury notes and United States stocks \$1,100,000, and the further sum of \$564,314 64 in specie funds unexpended, and on deposit in the bank of Mobile and Merchants' bank, New York.

Your committee, moreover, inquired into the outstanding circulation of the several banks, as reported by the commissioner, and find the same correct, according to the returns from the respective banks. They also find his report of collections made at the several banks sustained and verified by the detailed statements from each.

Your committee have likewise examined with care the profit and loss account presented by the commissioner, and find the same correct.

Finally, your committee are, from their investigation, fully satisfied of the correctness of the statement of receipts and expenditures of the commissioner, as stated in the account which accompanies this report, and they are likewise satisfied that the several statements and results shown by the report of the commissioner to the two houses of the present General Assembly are correct.

In the opinion of your committee, the very arduous and responsible duties devolved upon the commissioner have been discharged with ability, fidelity and untiring industry, and with most decided benefit and advantage to the State. The office has been one difficult to execute, and by no means free from risk and danger to any incumbent, however cautious and prudent in performing its delicate and responsible duties. In the performance of these duties by the present incumbent, we have seen nothing to condemn, but much to admire and approve. Under his conduct and management of the affairs of our hitherto miserably mismanaged State bank and branches, and the other funds of the State placed under his control, a new era has occurred in our finances, a brighter sun has shone on our prospects; it is therefore with regret that your committee have learned that he desires to retire from his present position as commissioner and trustee, and that this desire has, in a great degree, arisen from the insufficiency of his compensation, which has been mostly paid out in traveling and other unavoidable expenses, leaving a mere pittance to

remunerate him for his exclusive and entire attention to the business of his office, to say nothing of the constant and unceasing anxiety attendant upon the discharge of its duties. We cannot believe that for reasons of this sort, the State will consent to part with the services of the first public functionary who has shed a ray of light and hope upon the deep and discouraging gloom that for years past has cast its impenetrable shadow over her financial prospects.

The present commissioner has performed more than three-fourths of the labor necessary to bring to a close the affairs of the State bank and branches, and has, from his experience, acquired a knowledge of its complicated duties, which could not soon or readily be acquired by any other, however able or apt; added to which the very unexpected and gratifying results of his past labors having given him so firm a place in the confidence and affections of a generous and just people, we are satisfied this people would desire his continuance on terms that will to some extent compensate him for past as well as future services, and for the sacrifices in his private and individual business. From those who serve them well, who serve them ably, and who serve them faithfully, the people of Alabama will not withhold a reasonable compensation.

In view of the foregoing facts and considerations, your committee would deem themselves wanting in justice to the commissioner and faithless in their duty to their State, if they did not recommend that the General Assembly make provision for adequate compensation to him for his past as well as his future services, and to ensure to the State the successful completion of a policy so wisely begun and so ably conducted thus far.

Your committee have prepared, and most respectfully submit, the accompanying bill, the passage of which they earnestly recommend.

R. JEMISON,

On the part of the House of Representatives.

JOHN MORRISSETT,

On the part of the Senate.

Mr. Perkins moved to lay the above report on the table, and that five thousand copies thereof be printed for the use of the House.

Mr. Watts called for a division of the question; which was first taken on the report, which was laid on the table. The motion to print five thousand copies was lost.

Mr. Cooper moved that four thousand copies thereof be printed, which motion was lost.

Mr. Patton moved that one thousand copies be printed.

Mr. Hall moved to lay said motion on the table, which motion was lost.

Mr. Cooper moved that three thousand copies be printed, which motion was lost. Yeas 21; nays 62.

Those who voted in the affirmative are, Messrs. Baker, Benbow, Cain, Cooper, Crews, A. R. Davis, Gardner, Goodman, Wm. Hendrix, Hill, Jemison, M. A. King, McCollum, McDonald, McGuire, Perkins, Pickett, Storrs, Turner, Watkins, Young—21.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Boon, Brasher, Camp, Chisolm, Creagh, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gazzam, Goldsby, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McLeod, Murphy, Northcut, Patton, Perryman, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Walker, Watts, Williams, Wilson, Wood and Wright—62.

The question recurred on Mr. Patton's motion to print one thousand copies, which was lost.

Mr. Stone moved to print one hundred and thirty-three copies.

Mr. Ashley moved to print five hundred copies.

Mr. L. R. Davis moved to reconsider the vote by which the House refused to print five thousand copies of the said report, which motion was lost. Yeas 26; nays 57.

Those who voted in the affirmative are, Messrs. Baker, Benbow, Cain, Cooper, Crews, A. R. Davis, L. R. Davis, Gardner, Gates, Goodman, Wm. Hendrix, Jemison, Jones, Kendrick, M. A. King, Lea, McCollum, McDonald, McGuire, Perkins, Pickett, R. H. Smith, Storrs, Turner, Watkins and Young—26.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Barrow, Boon, Brasher, Bridges, Camp, Chisolm, Coupland, Creagh, Critcher, Corsbie, N. Davis, Edwards, Franks, Gazzam, Goldsby, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kennedy, J. H. King, Ligon, Lockwood, McCall, McLeod, Murphy, Northcut, Patton, Perryman, Quinn, Rather, Reese, Ryan, Skelton, Simmons, E. L. Smith, Stone, Swanson, Thorn, Walker, Watts, Williams, Wilson, Wood and Wright—57.

Mr. Hardwick moved to print two thousand one hundred copies of said report.

On motion of Mr. Cooper, the said motion was laid on the table. Yeas 42; nays 39.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Barrow, Benbow, Brasher, Cooper, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Franks, Gardner, Goldsby, Goodman, Groce, Hall, M. Hendricks, A. Holly, W. Holly, Hough, James, Jemison, Kennedy, M. A. King, McCollum,

Northcut, Perkins, Pickett, Ryan, Skelton, Simmons, Storrs, Turner, Walker, Watkins, Watts, Whatley, Wilson, Wood and Wright—42.

Those who voted in the negative are, Messrs. Baker, Boon, Bridges, Cain, Camp, Chisolm, Coupland, Corsbie, L. R. Davis, Edwards, Gates, Gonder, Hardwick, Heflin, W. Hendrix, Hudson, Irby, Jones, Kendrick, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McLeod, Murphy, Patton, Perryman, Quinn, Reese, Rowe, R. H. Smith, Stone, Swanson, Thorn, Williams and Young—39.

Mr. Jemison offered the following resolution, which was adopted :

Resolved, That the accounts accompanying the above report, be verified by the signature of the chairmen, and filed in the office of the comptroller, for safe keeping.

Mr. Jemison, from the same committee, reported a bill for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches and for other purposes. Said bill was read, and on motion of

Mr. James, was laid on the table, and one hundred and thirty-three copies thereof ordered to be printed.

A Message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
Montgomery, December 6, 1849. }

HON. L. P. WALKER,

Speaker of the House of Representatives :

SIR: I submit to the General Assembly a communication from Professor A. D. Bache, superintendent of weights and measures of the United States, informing this department that a set of balances intended for the adjustment of the standard of weights and measures, has been prepared for this State and ready for delivery, according to the act of Congress on the subject, whenever a person may be authorised to receive it. Also, a drawing, accompanying the communication, of a building that would be appropriate for the preservation and use of the standard of weights and measures for the state.

The communication was received some years ago, but as no measures have been taken by my predecessors or the General Assembly for obtaining the set of balances, for its preservation and use, I feel it my duty to invite the attention of the Legislature to the subject. I submit herewith extracts from a letter lately received at this department from Professor Barnard, of the University of Alabama, containing valuable suggestions as to the best mode of preserving the balances and for its use.

In the hands of unskilful persons the instruments will be of no

practical utility, and it will soon become injured. I recommend that provision be made to obtain the balances, and that it be deposited in some suitable building at the University and placed in charge of a gentleman of scientific knowledge connected with the institution, to be used under the direction of the faculty for the objects contemplated.

I have the honor to be

Your obedient servant,

R. CHAPMAN.

Said message, with the accompanying documents, were referred to the committee on the university.

On motion, the House adjourned. Yeas 47 ; nays 29.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Austin, Cain, Camp, Cooper, Creagh, Crews, Critcher, Corsbie, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hall, Heflin, W. Hendrix, Hough, Hudson, Irby, James, Jones, Kennedy, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McGuire, McLeod, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Watkins, Watts and Wright—47.

Those who voted in the negative are, Messrs. Adams, Baker, Benbow, Boon, Bridges, Chisolm, Coupland, Gardner, Goodman, Hardwick, A. Holly, W. Holly, Jemison, Kendrick, Lea, Ligon, McCall, Northcut, Perryman, Reese, Rowe, Simmons, Walker, Whatley, Williams, Wilson and Wood—29.

SATURDAY, December 8th, 1849.

The House met pursuant to adjournment.

Leave of absence was granted to Messrs. Wood, Simmons and Gonder.

Mr. Gardner, from the committee on public printing, reported that in justice and equity the printing done for this session of the Legislature should be paid under the present contract, and not under the contract of McCormick & Walshe, which last named contract was made before the passage of the act altering the time of the meeting of the General Assembly, and only contemplated the printing of one session. The printing ordered by this Legislature during that time has been done by the present contractors, Messrs. Brittan & DeWolf. The committee, therefore, are of the opinion that Messrs. Brittan & DeWolf should be paid according to this contract, and not under the contract of McCormick & Walshe.

Your committee instruct me to report the accompanying "joint resolutions for the payment of State printers."

Said joint resolutions were read the first time, and the consti-

tutional rule being suspended, were read the second time forthwith, and ordered to be engrossed for a third reading.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate recedes from its third and fourth amendments to the bill from the House, to incorporate the Tus-kaloosa plank road company.

Mr. Hardwick introduced a bill to regulate the rate of interest in this State. Said bill was read, and the House refused to order it to a second reading.

Bills were introduced by :

Mr. Whatley, to legalise a certain marriage therein named :

Mr. Ashley, to regulate camp hunting in the county of Conecuh.

Mr. Boon, to repeal an act to declare the west prong of the Choctawhatchee a public highway, approved January 22d, 1841.

Mr. Blevins, to authorise the intendant of the town council of the town of Selma, to subscribe to the capital stock of the Alabama and Tennessee river rail road company :

Mr. Adams, in relation to guardians :

Mr. Lockwood, to declare the three mile creek, in Mobile county, a navigable stream :

Mr. Watts, for the relief of Levi Shackelford, late jailor of Montgomery county :

Mr. Watts, for the relief of Reuben Emerson, tax collector of Montgomery county :

Mr. W. Hendrix, for the benefit of the most worshipful grand lodge of ancient free masons, of Alabama, and its masonic jurisdiction :

Mr. Irby, providing for the changing of certain election precincts therein named :

Said bills were severally read and ordered to a second reading.

Mr. M. Hendricks introduced a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, upon the subject of school lands. Said memorial was read and referred to the committee on the 16th section fund.

Mr. Coleman introduced a bill disallowing members per diem pay, absenting themselves in certain cases therein named.

Mr. N. Davis moved to lay said bill on the table, which motion was lost, and the bill ordered to a second reading.

Mr. Creagh presented the petition of citizens of Dayton, which was referred to the committee on corporations.

Mr. M. A. King presented the account of James W. Francis, which was referred to the committee on propositions and grievances.

Mr. Hill presented the petition of citizens of Sumter, which was referred to the committee on 16th section fund.

Mr. Ryan, from the committee on retrenchment, to whom was referred that portion of the governor's message relative to the expenses of the State government, reported a bill to alter and amend the law in relation to keeping State prisoners, which was read and ordered to a second reading.

Mr. Blevins, from the committee on corporations, to whom was referred the bill to incorporate the Fulton insurance company of Mobile, reported the same back, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Wilson, from the committee on the military, to whom was referred a resolution instructing them to inquire into the propriety of furnishing each captain in this State a copy of Cooper's or some cheap standard work on tactics, reported adversely thereto.

The report was concurred in.

Mr. Wilson, from the same committee, reported a bill for the relief of Jacob McGee.

Said bill was read and ordered to a second reading.

Mr. Wm. Holly, from the committee on roads, bridges and ferries, to whom was referred the bill from the Senate to amend the road law of this State, reported the same back.

On motion of

Mr. N. Davis, the bill was amended by striking out all after the word choose, in the eighth line, and ordered to a third reading.

Mr. W. Holly, from the same committee, to whom was referred the bill to authorise Henry C. McCollum and his associates to erect a toll bridge across New River, reported the same back.

The bill was ordered to be engrossed for a third reading.

General orders :

The hour of 12 having arrived, the House proceeded to the consideration of the order of the day.

Engrossed bills :

To consolidate the office of circuit and county clerk in the county of Walker :

To authorise Ezekiel Andrews, jr., to sell a certain slave therein named :

Were read the third time and passed.

The bill to repeal in part and amend an act to reduce and pay the expenses of the county of Shelby, was read the second time and referred to a select committee, composed of the delegation from Shelby.

The bill to reduce the salaries of bank attorneys was read the second time and referred to the committee on State bank and branches.

The bill for the relief of Rosella and other free persons of color, was read the second time.

Mr. Gates moved to lay the bill on the table, which motion was lost.

Mr. Cooper moved its reference to the committee on propositions and grievances, which motion was lost.

Mr. Jones moved its indefinite postponement, which motion prevailed.

The bill in relation to taxes illegally collected from non-residents, was read the second time and referred to the committee on ways and means.

The bill to regulate the attendance of members of the General Assembly, was read the second time and referred to the committee on retrenchments.

The bill to regulate the circulation of foreign bank bills in this State, was read the second time.

On motion of

Mr. Baker, the town of Girard was inserted in the first section, after Eufaula, and the bill was referred to the committee on banks and banking.

The bill to establish an additional beat in the 88th regiment, in the county of Jefferson, was read the second time.

On motion of

Mr. Northcutt, the bill was ordered to be amended so as to establish an additional beat at the widow Bull's, in Marion county.

The bill was referred to the committee on the military.

The bill to establish justices' courts in the county of Franklin, was read the second time; and on motion of

Mr. Corsbie, was laid on the table for the present.

The bill to incorporate the Wedowee and Arbacoochee rail road company, was read the second time and referred to the committee on internal improvements.

The bill for providing for the completion of the records of the clerk's office of the circuit court of Tallapoosa county, was read the second time and referred to a select committee, composed of the delegation from Tallapoosa.

The bill to divorce certain persons therein named, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

The bills:

To authorise Humphrey Rogers to sell certain slave therein named:

To authorise Benjamin L. Goodman, guardian of Robert Ligon, to sell a certain slave therein named:

To authorise Benjamin Jolly, John W. Otey and Silas Parsons, to emancipate Isaac Purdom, a mulatto slave:

To regulate the pay of grand and petit jurors in the county of Pike:

To regulate the selecting of jurors in the county of Marion :
 To make the county surveyor and county treasurer for the county of Marshall elective by the people.

Mr. Northcut moved to amend the bill by adding the county of Marion.

Mr. Baker moved to amend by adding the county of Russell.

Mr. W. Holly moved to amend by adding the county of Coffee.

Mr. A. Holly moved to amend by adding the county of Covington.

Mr. Goodman moved to amend by adding the county of Chambers.

Mr. Ashley moved to amend by adding the county of Conecuh.

Mr. Cain moved to amend by adding the county of Walker.

Mr. Boon moved to amend by adding the county of Dale.

Which were adopted.

To regulate the power of the commissioners' court of revenue and roads, and to reduce the pay of grand jurors in Marion county:

For the pay of clerk hire in the comptroller's office, in the year 1849 :

To enable Martha Judkins, an alien, to make titles to certain lands therein named :

To repeal an act authorising one person to hold the office of clerk of circuit and county courts, in the county of Covington :

For the relief of John Mill and J. A. Wicker :

To establish justices' courts in the county of Marshall :

For the benefit of the Central Masonic Institute :

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

To prevent delay in collection of debts :

To amend an act entitled an act for the better regulation of judicial proceedings :

To regulate the right of appeal to the supreme court :

To have grand jurors to have witnesses sworn as to the motives influencing them :

Were severally read the second time and referred to the committee on the judiciary.

The bills :

For the relief of Parker Gray, a minor :

For the relief of Joseph H. Hinton, executor of W. Hinton, late of Greene county :

Were severally read the second time and referred to the committee on propositions and grievances.

The bills :

To establish an election precinct in Tallapoosa county :

To establish an election precinct in the county of Autauga :

To establish an election precinct at Allsboro., in the county of Franklin :

Were severally read the second time and referred to the committee on privileges and elections.

The joint resolutions to reduce the pay of members and officers of the General Assembly, were read the second time.

Mr. Rather moved to postpone indefinitely, which prevailed. Yeas 45 ; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Blevins, Cain, Camp, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, M. Hendricks, William Hendrix, Hill, Hough, Hudson, Humphreys, Irby, Jones, Kennedy, Ligon, McCall, McDonald, McGuire, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Swanson, Turner, Walker, Watkins, Williams and Wright—45.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Chisolm, Edwards, Franks, Hall, Hardwick, Hatcher, Heflin, A. Holly, W. Holly, James, Jemison, Kendrick, M. A. King, Lea, McCollum, Murphy, Northcut, Patton, Perkins, Perryman, Pickett, Rives, Rowe, Skelton, Thorn, Watts, Whatley and Wilson—37.

A message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, December 8, 1849. }

HON. L. P. WALKER,

Speaker of the House of Representatives :

Sir—I have to-day received the resignation of Thomas H. Wiley, as one of the trustees of the University of Alabama.

I have the honor to be

Your obedient servant,

R. CHAPMAN.

Mr. Rowe, from the committee on enrolled bills, reported the following as correctly enrolled :

For the relief of C. T. Oliver :

To require the names of prosecutors to be endorsed on bills of indictment :

To declare the Cahawba river a public highway.

Mr. McGuire, from the same committee, reported the following bills as correctly enrolled :

To incorporate the Eufaula and Mobile rail road company :

To change the name of Coosa manufacturing company to Bradford manufacturing company, and for other purposes :

To amend the road laws as to Dallas county.

Mr. Kennedy, from the same committee, reported the bills :

To amend the charter of the city insurance company of Mobile:

To provide for paying grand and petit jurors in the county of Coffee:

As correctly enrolled.

Mr. Rives, from the committee on the State capitol, reported the certificate of J. P. Figh, B. Holt, John B. Garrett, A. M. Frazier and A. Lyle, mechanics, who were examined under oath by the committee, who certify and report the same safe in every particular.

On motion,

The House adjourned until Monday morning, at 10 o'clock.

MONDAY, December 10, 1849.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. J. H. King.

Mr. James introduced a bill to establish an election precinct in the county of Clarke, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on privileges and elections.

Mr. James presented the petition of citizens of Monroe county praying to be attached to Clarke county, which was referred to the committee on county boundaries.

Bills were introduced by:

Mr. A. Holly, to repeal in part an act therein named as to Covington county:

Mr. Gonder, for the relief of Wm. Tarrance, O. P. King and Rich. Harrison:

Mr. McCollum, to provide for the election of registers and masters in chancery:

Mr. Watts, to form a new chancery district:

Mr. Watts, for the relief of J. R. Hartley, administrator of Thomas McDaniel:

Mr. Watts, to amend and construe an act providing for attachments in chancery, passed February 6th, 1848:

Mr. Rives, to compensate certain persons therein named:

Mr. Lea, requiring all elections heretofore held at 'Thomas Gary's for the five mile beat, in the county of Perry, hereafter to be held at Isaac Pharis', in said county:

Mr. Hudson, to authorise John D. Barrow and his associates to build a dam across the Tallapoosa river, in Randolph county, for manufacturing purposes:

Mr. Baker, amending the law in relation to gaming tables:

Mr. Reynolds, to authorise Adam Peizer to sell the real estate of his wards, John, Thomas, James and Martha McDowell:

Mr. Reynolds, to authorise James Welsh to sell the real estate of his ward, Martha D. Welch:

Said bills were read and ordered to a second reading.

Mr. Patton introduced a bill to repeal the seventh section of an act to provide for assessments and collection of taxes, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Watts moved to refer said bill to the committee on ways and means, which motion was lost, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. McCollum presented the petition of Alfred Wilson, which was referred to the committee on propositions and grievances.

Mr. Lockwood presented the account of the Mobile Daily Advertiser, which was referred to the committee on accounts.

The House concurred in the amendments of the Senate to the resolutions of the House proposing to elect judges of the county courts for the counties of Dallas and Coosa.

Also in amendments of the Senate to the report and joint resolutions in relation to the death of James K. Polk.

A bill from the Senate to prevent the seizure and sale of the premises of slaves to satisfy debts against persons to whom they may be bound for a short time, was read and ordered to a second reading.

The joint memorial from the Senate to the Congress of the United States, was read and adopted.

On motion of

Mr. R. H. Smith, the bill providing a uniform law for the registration of deeds and other conveyances, was taken from the table.

Mr. R. H. Smith moved to amend by two additional sections, to be numbered nine and ten.

When, on motion of

Mr. Cooper, the said bill and proposed amendments were postponed until Friday next, and made the special order of the day for that day at 11 o'clock.

Mr. McGuire (by leave) offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed on the part of the House to act with such a committee as may be appointed by the Senate, to wait on the Hon. H. W. Collier and inform him of his election to the office of governor, and ascertain when it will suit his convenience to take the oath of office.

Messrs. McGuire, Blevins and Hill composed said committee.

Reports:

Mr. Wood, from the committee on the Penitentiary, to whom was referred the bill to regulate the number, appointment, duties and compensation of the inspectors of the Penitentiary, reported adversely thereto. Concurred in.

Mr. Wm. Holly, from the committee on roads, bridges and ferries, to whom was referred the bill to authorise Hosea Holly to erect two gates on a certain public road therein named, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. Wm. Holly, from the same committee, to whom was referred the bill to amend the nineteenth section of the laws of this State on the subject of roads, bridges and ferries, reported adversely thereto.

The report was concurred in.

Mr. Chisolm, from the same committee, to whom was referred the petition of Isaac Lyttleton, reported a bill to authorise Isaac Lyttleton to erect a gate and charge toll on his bridge across Yellow Leaf creek. Said bill was read and ordered to a second reading.

Mr. Lockwood, from the committee on the judiciary, to whom was referred the bill allowing tax collectors in North Alabama to make payment to the assistant commissioners for the branch banks at Huntsville and Decatur, reported adversely thereto. The report was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill repealing the act giving tax fees to attorneys in certain cases, reported adversely thereto. The report was concurred.

Mr. Jones, from the same committee, to whom was referred the bill to amend the law of evidence in civil suits, reported the same back. Said bill was postponed until Wednesday next and made the special order of the day at 11 o'clock.

Mr. Rather, from the committee on the sixteenth section fund, to whom was referred the bill from the Senate to provide for the selection of school lands in lieu of the sixteenth sections in the Chickasaw purchase, reported the same back. Said bill was ordered to a third reading.

Mr. Rather, from the same committee, to whom was referred the bill for the relief of Wm. O'Hara, reported adversely thereto, as ample provision is made for the relief sought by the existing laws.

Mr. Jones, from the committee on the judiciary, to whom was referred the bills establishing courts of probate, and for other purposes, and to abolish the several county courts of this State, reported

That each of these bills referred to the same subject matter, and each proposed to effect constitutionally the same object. The two greatest and most important changes in our existing laws, which are proposed by the bills are, *first*, to take away all common law jurisdiction from the county courts, which would amount to an abolition of the county courts, properly so called; and *secondly*, to establish a probate court in each county, blending the offices

of judge and clerk of such courts, in one and the same person. The abolition of the county courts or taking away from them all common law jurisdiction, would have the effect of throwing into the circuit courts all the common law business now done in the county courts. This would bring into the circuit courts a greater amount of business than those courts, as now organised, could possibly dispatch. It would be necessary to prevent a delay of justice to increase the length or number of terms of the several circuit courts, and would properly require a reorganization of the several circuit courts, and increase the number of circuit judges. Unless four terms of the circuit court should be held in each county, the proposed change would increase the delay, already too great, in the collection of debts by law.

In the opinion of your committee, it would be highly impolitic to confer the office of judge and the office of clerk of a court on one and the same person. In many of the counties of the State, the amount of business in the probate court would be so great that one person could not himself discharge the duties of judge and clerk; he would be compelled to employ some other persons to do the duties of clerk, and the effect of this would be substantially to allow the clerk to be appointed by the judge instead of being elected by the people. Very different qualifications are required for the two offices. A man well qualified to fill the office of judge of the probate court, might be, and often would be, unfit to discharge the duties of clerk, and one well qualified to act as clerk might be wholly incompetent to discharge the duties of judge. A still more cogent reason for keeping these two offices distinct, is found in the fact, that one of those officers acts as check on the other. If the two offices were vested in one and the same person, there would be no such salutary check as now exists. The same person would render a judgment or decree, enter it up in the minutes of the court, make out and collect his own bills of cost, and be the sole keeper of all the records of the court. It is obvious that this would open a wide door for fraud, extortion, and abuse, with very little possibility of detection. Those courts are among the most important in our State; they have jurisdiction over all estates of deceased persons, and the estates of minors, idiots, and lunatics. The judges of these courts should be placed as far as possible above suspicion and beyond the temptation of committing injustice or abusing their powers. For these reasons your committee are of the opinion that it would be impolitic to vest the office of judge and clerk of these courts in the same person, and they therefore consider that it would be inexpedient to pass either of the bills.

On motion of Mr. Cooper, the report was laid on the table, and the bills therein named referred to a select committee of nine, to consist of one from each judicial circuit.

Mr. Jones made the following report :

The committee on the judiciary, to whom was referred the bill to be entitled an act to regulate judicial proceedings in Alabama, have, according to order, had the same under consideration, and instructed me to report :

That this bill proposes a most radical and entire change in our judiciary system, and in the whole mode of procedure in suits, both at common law and in equity.

It abolishes entirely the chancery courts and destroys all distinctions between suits at common law and suits in chancery. It abolishes all distinction between different actions at common law and overthrows the whole system of pleading. In place of this ancient, long established, and well known mode of procedure, as old as the common law itself, of which it is an essential part, and to which we, and our ancestors before us, have for many generations been accustomed, it proposes to substitute a mode of procedure somewhat resembling that used in the civil law. A change so extensive and radical in its character, should not be hastily or inconsiderately made. It would require long, patient and careful investigation, such as in the opinion of your committee, it would be impossible for this Legislature to bestow upon it. Your committee are of opinion that if such a change were even practicable and desirable, it could not safely or prudently be attempted by a single hasty act of legislation. It should first be submitted to the examination of commissioners, who might examine it in all its bearings, and prepare it with such care and skill, as would adapt it, if possible, to our other laws and institutions, and the habits of the people. Your committee are not averse to a thorough reform of the common law system of practice and pleading, in which improvements might no doubt be made. But they are not prepared to recommend the utter destruction of this system, which this bill would effect. Your committee are persuaded that all needful and proper reforms in our mode of procedure in civil suits, might be and ought to be effected, by a careful revision and digest of our laws, such as by the provisions of our constitution must be made at an early period. It would be much safer and more prudent, in the opinion of your committee, to authorise the person or persons who may be charged with the duty of making such a digest, to prepare a code of practice to be submitted to the next Legislature, than to pass the bill which has been referred to your committee. For these reasons, the committee have instructed me to report that it would be inexpedient to pass the bill.

W. G. JONES, Chairman.

On motion of

Mr. Humphreys, the report and bill were postponed until tomorrow and made the special order for 11 o'clock.

Mr. Jones, from the same committee, to whom was referred the bill to simplify and curtail pleadings at law, reported adversely thereto.

On motion of

Mr. Gardner, the report and bill were postponed until to-morrow and made the special order for 11 o'clock.

Mr. R. H. Smith, from the committee to whom was referred the joint memorial to the Congress of the United States, reported the same back with amendments, which were concurred in.

Pending the question on the adoption of the memorial,

Elections :

The hour of 12, M., having arrived, the Senate, by invitation, appeared in the hall of the House, and the two Houses in convention proceeded to the election of a judge for the county court of Dallas county, William M. Lapsley and C. C. Pegues being in nomination.

Those who voted for Mr. Lapsley are, Messrs. President, Abercrombie, Buford, Cocke, Compton, Edwards, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—18.

Messrs. Adams, Ashley, Baker, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Creagh, L. R. Davis, Edwards, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Walker, Watkins, Watts and Young—45.

Those who voted for Mr. Pegues are, Messrs. Beckett, Brindley, Coggin, Frazier, Fleming, Garland, Godbold, Gray, Kelly, Martin, Storrs, Wilson and Winston, of the Senate—13.

Messrs. Speaker, Aldridge, Austin, Barrow, Boon, Brasher, Coleman, Coupland, Crews, Corsbie, N. Davis, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, Hill, Hudson, Humphreys, Irby, James, Kendrick, M. A. King, McDonald, McGuire, McMullen, McLeod, Murphy, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright—43.

Mr. Lapsley having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court of Dallas county for the term prescribed by the constitution.

2d. A judge for the county court of Lawrence county, William Graham alone being in nomination, who having received the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court of Lawrence county for the term prescribed by the constitution.

3d. A judge for the county court of Coosa, Robert M. Cherry alone being in nomination.

Mr. Rather voted for Mr. Wm. Holly.

Messrs. R. H. Smith, Stone, Storrs, Walker, Watkins and Wright voted for Gen. Rather.

The remaining Senators and Representatives voted for Mr. Cherry, who having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court of Coosa county, for the term prescribed by the constitution.

4th. A judge of the county court for the county of Conecuh, P. D. Costello alone being in nomination, who having received the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court of Conecuh for the term prescribed by the constitution.

The Senate withdrew and the House resumed the consideration of the orders of the day.

The engrossed joint resolution for paying State printers was read the third time and passed, and on motion of

Mr. Gardner, was sent forthwith to the Senate.

The engrossed bills :

To make the county treasurer and county surveyor for the counties of Marshall, Marion, Russell, Coffee, Covington, Chambers, Conecuh, Walker and Dale elective by the people :

To regulate the selection of jurors for the county of Marion :

To regulate the powers of the commissioners' court of revenue and roads and to reduce the pay of grand jurors in the county of Marion :

To authorise Benjamin Jolly, J. W. Otey and Silas Parsons to emancipate Isaac Perdom, a mulatto slave :

To enable Martha Judkins, an alien, to make titles to certain lands therein described :

To authorise B. L. Goodman, guardian of Robert Ligon, to sell a certain slave therein named :

For the relief of John Mill and John A. Wicker :

To repeal an act authorising one person to hold the office of circuit and county clerk in the county of Covington :

To regulate the pay of grand and petit jurors in the county of Pike :

To authorise Humphrey B. Rogers to sell a certain slave therein named.

For the pay of clerk hire in the comptroller's office for the year 1849 :

To establish justices' courts in the county of Marshall :

Engrossed resolution for the benefit of the Central Masonic Institute :

Were severally read the third time and passed.

The bill from the Senate to amend the road law of this State, was read the third time ; and on motion of

Mr. Storrs, referred to a select committee of three.

The bill for the relief of Wm. O. McKey was read the second time and ordered to be engrossed for a third reading.

The bill to allow the lessee of the penitentiary a certain sum for work therein named was read the second time.

Mr. Edwards moved the indefinite postponement of the bill.

Mr. M. A. King moved to lay the bill on the table, which motion prevailed.

And then the House adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, December 11, 1849.

The House met pursuant to adjournment.

The bill from the Senate to amend and explain an act to incorporate the Mobile and Ohio rail road company was read the first time, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The bills from the Senate :

For the relief of Louisa Parish :

For the benefit of Oliver C. Roberts, of Fayette county :

To repeal in part an act to reduce and pay the expenses of Shelby county :

To incorporate the Cahawba manufacturing company :

To compensate jurors serving on trial of the right of property, in the county of Franklin :

To regulate the liability of public road working in the county of Franklin :

To declare the Buttahatchy river a public highway :

For the relief of Mary Simmons, of Lowndes county :

To incorporate the Auburn and Girard rail road company :

The more effectually to prevent the evil practice of trading with slaves :

And joint resolutions concerning the deposit of public arms, and for other purposes :

Bills :

To amend the charter of the Montgomery and West Point rail road company :

For the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes :

Were severally read and ordered to a second reading.

The House concurred in the amendments of the Senate to the bills :

To change the name of Jefferson W. Park to that of Jefferson W. Stringfellow, and for other purposes :

To compensate witnesses attending before grand juries :

To repeal in part an act therein named :

For the relief of purchasers of lots in the town of Newton :

To change the name of Martha A. Bates.

The joint resolutions from the Senate instructing our Senators in Congress, were read and referred to the committee on internal improvements.

On motion of

Mr. Barrow, the bill to require grand juries to perform certain acts, and for other purposes, was taken from the table.

Mr. N. Davis moved to postpone said bill indefinitely.

Mr. Ryan moved to postpone it until Wednesday week.

Mr. N. Davis moved its postponement until January 15, which motion was lost.

The question recurred on the motion of

Mr. Ryan, which was also lost.

The question then recurred on the motion of

Mr. N. Davis to indefinitely postpone the bill, which was also lost. Yeas 40 ; Nays 41.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Austin, Baker, Brasher, Camp, Creagh, A. R. Davis, L. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Gunter, M. Hendricks, W. Hendrix, Irby, Jemison, Jones, M. A. King, Ligon, Lockwood, McDonald, McGuire, Murphy, Perkins, Pickett, Rather, Reese, Reynolds, Ryan, E. L. Smith, R. H. Smith, Turner, Watkins, Watts, Williams, Wright and Young—40.

Those who voted in the negative are, Messrs. Barrow, Boon, Cain, Chisolm, Cooper, Coupland, Crews, Corsbie, Foscue, Franks, Gardner, Goodman, Gonder, Groce, Hardwick, Hatcher, Heflin, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Kendrick, Kennedy, McCall, McCollum, McMullen, McLeod, Patton, Perryman, Quinn, Rowe, Skelton, Simmons, Stone, Swanson, Walker, Whatley, Wilson and Wood—41.

Mr. M. A. King moved to refer the bill to a select committee composed of the delegation from Chambers.

Mr. Jemison moved to instruct said committee to confine the operations of the bill to the county of Chambers.

Mr. Watts called a division of the question, which was first taken on the reference and carried, and then on the proposed instructions and carried.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate concurs in the resolution of the House appointing a committee of three on the part of each House, to wait on the Hon. H. W. Collier, and inform him of his election

to the office of Governor, and ascertain when it will suit his convenience to take the oath of office. Messrs. Beckett, Godbold, and Gunn, compose the committee on the part of the Senate.

Special order:

The hour of 11, A. M., having arrived, the House proceeded to the consideration of the special order of the day for that hour, it being the adverse report of the judiciary committee on the bill to regulate judicial proceedings in Alabama.

The question recurred on concurring in the report of the committee, pending which question

The House adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, December 12th, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House the statement of moneys paid out by the Secretary of State in improving the capitol grounds and in repairs upon the capitol, &c., which was referred to the committee on accounts.

Mr. Baker (by leave) offered the following resolution, which was adopted:

Resolved, That, with the concurrence of the Senate, the two houses will meet in convention on Tuesday next, at 12, M., to elect a judge for the ninth judicial circuit.

Mr. Wm. Hendrix (by leave) offered the following as an additional rule of the House, which lies over one day:

That hereafter the regular hours for meeting of this House shall be 9 o'clock, A. M., and 3 o'clock, P. M., and when the House adjourns shall as a matter of course be to whichever of said hours next succeeds, until otherwise ordered by the House.

Mr. McGuire, (by leave,) reported that the joint committee appointed to wait on the Hon. H. W. Collier, has received as his reply, that it would suit his convenience to take the oath of office on Monday, 17th inst.

Mr. Stone, (by leave,) offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed to act with a like committee on the part of the Senate, to make suitable arrangements for the inauguration of the Hon. H. W. Collier, Governor elect. Messrs. Stone, Storrs, and Aldridge, compose said committee.

Bills were introduced by:

Mr. McDonald, for the relief of jurors in Baldwin county:

Mr. McMullen, to repeal in part an act requiring militia officers to uniform in this State:

Mr. McCollum, to provide for the compensation of witnesses in commissioners' court:

Mr. Camp, to authorise the county treasurer in Jefferson county to pay over certain moneys therein named :

Mr. Ligon, to alter and amend an act securing to married women their separate estates, and for other purposes :

Mr. Williams, to change the time of holding the general elections in Alabama :

Mr. Critcher, to equalise the tax for retailing spirituous liquors :

Mr. Lockwood, to incorporate the Odd Fellows' hall association in the city of Mobile :

Mr. E. L. Smith, to authorise judges of the county courts to grant licenses to tavern keepers in vacation :

Mr. Watts, to change the name of Planters' Hotel company to Montgomery, and for other purposes :

Mr. Heflin, to prevent the accumulation of cost in suits at common law :

Mr. Heflin, to regulate proceedings in trials of right of property levied on under executions issued by justices of the peace :

Mr. Baker, to incorporate the Opelika and Girard plank road company :

Mr. Baker, to incorporate the Andrew Chappell Academy in the county of Russell :

Mr. Baker, in relation to sets-off :

Mr. Rowe, to abolish and establish certain election precincts in Tallapoosa county :

Mr. McCollum, to attach a part of the county of Fayette to the county of Walker, and to create a certain county therein named :

Said bills were severally read and ordered to a second reading.

Mr. Gardner presented the petition of sundry citizens of Barbour county :

Mr. Watts, the petition of Josiah Bartlett :

Which were severally referred to the committee on propositions and grievances.

Mr. Hill presented the petition of citizens of Sumter county, which was referred to the committee on privileges and elections.

Mr. McCollum introduced a bill authorising tavern keepers to retail spirituous liquors.

Said bill was read, and the House refused to order it to a second reading.

Mr. Walker introduced joint resolutions in relation to the notes of the State bank and branches, which were read.

Mr. Whatley moved to lay said joint resolutions on the table, which motion was lost. Yeas 23 ; nays 61.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Brasher, Camp, Coupland, Crews, Foscue, Franks, Goodman, Groce, Hardwick, Hill, Humphreys, Kendrick, Kennedy,

M. A. King, McGuire, Murphy, Ryan, Skelton, Whatley, Wright and Young--23.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Blevins, Boon, Cain, Chisolm, Coleman, Cooper, Creagh, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gates, Goldsby, Gonder, Hall, Hatcher, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Irby, James, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Neal, Patton, Pickett, Quinn, Rather, Reese, Reynolds, Simmons, E. L. Smith, Stone, Swanson, Thorn, Turner, Walker, Watkins, Watts, Williams, Wilson and Wood--61.

And the joint resolutions were ordered to a second reading.

Reports:

The question recurred on the adoption of the memorial to the Congress of the United States, reported back by Mr. R. H. Smith, on the 10th instant, from the committee on the 16th section fund.

Mr. Baker moved to amend the memorial by inserting after the word "lands," "except such lands as may be granted to this State by Congress for the purpose of internal improvement."

On motion of

Mr. Cooper, said amendment was laid on the table.

Mr. Cooper moved to refer the memorial to the committee on internal improvements, which motion was lost.

Mr. Cooper moved to amend the memorial by adding after the word "education," the words, "and for internal improvements."

On motion of

Mr. M. A. King, said amendment was laid on the table.

Mr. Baker moved to postpone the further consideration of the memorial until the first day of January next, and make it the special order for 11, A. M., on said day, which motion was lost.

The memorial was then adopted. Yeas 80; nays 2.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Foscoe, Franks, Gardner, Gates, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Wm. Holly, Hough, Hudson, James, Jemison, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young--80.

Those who voted in the negative are, Messrs. Nathaniel Davis and Jones--2.

Special orders :

The hour of eleven o'clock having arrived, the House resumed the consideration of the special order for that hour, it being the adverse report of the committee on the judiciary, on the bill to regulate judicial proceedings in Alabama.

On motion of

Mr. Aldridge, the report was laid on the table. Yeas 41; nays 35.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Cain, Coleman, Coupland, Critcher, Corshie, L. R. Davis, N. Davis, Edwards, Gardner, Gunter, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Humphreys, James, Kendrick, Kennedy, McCall, McCollum, McGuire, McMullen, McLeod, Murphy, Perryman, Pickett, Reese, Rowe, Ryan, Thorn, Wilson, Wood and Wright—41.

Those who voted in the negative are, Messrs. Baker, Camp, Chisolm, Cooper, Crews, A. R. Davis, Gates, Gazzani, Goldsby, Goodman, Gonder, Groce, Hatcher, Hestlin, W. Hendrix, Hudson, Jones, Lea, Ligon, Lockwood, McDonald, Patton, Quinn, Rather, Skelton, Simmons, F. L. Smith, R. H. Smith, Swanson, Turner, Walker, Watkins, Watts, Whatley and Williams—35.

On motion of

Mr. Speaker, (Mr. N. Davis in the chair,) the bill was postponed until Wednesday, 19th inst., and made the special order for 11 o'clock, on said day.

The House proceeded to the consideration of the next special order of the day, it being the adverse report of the committee on the judiciary on the the bill to simplify and curtail pleadings at law.

On motion of

Mr. Gardner, the report and bill were laid on the table.

The House then proceeded to the consideration of the third special order, it being the bill to amend the law of evidence in civil suits.

On motion of

Mr. Speaker, (Mr. N. Davis in the chair,) the said bill was postponed until Wednesday, 19th inst., and made the special order of the day, at 11 o'clock, A. M., on said day.

Mr. Pickett moved that the House adjourn until to-morrow morning, at 10 o'clock, which motion was lost. Yeas 29; nays 49.

Those who voted in the affirmative are, Messrs. Austin, Brasher, Critcher, N. Davis, Edwards, Gates, Gunter, Hill, Humphreys, Irby, Jemison, Jones, Kendrick, M. A. King, McCollum, McDonald, Murphy, Neal, Patton, Pickett, Rather, Ryan, Skelton, Storrs, Turner, Watkins, Watts, Wilson and Wright—29.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Cain, Camp, Cooper

Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Foscue, Franks, Gardner, Gazzam, Goodman, Gonder, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, James, Kennedy, Lea, Ligon, McCall, McGuire, McMullen, Quinn, Reese, Reynolds, Rowe, Simmons, E. L. Smith, Swanson, Walker, Whatley, Williams, Wood and Young—49.

Mr. Cooper moved to take from the table the orders of the day, the joint resolutions ratifying certain proposed amendments to the constitution, which motion was lost. Yeas 22; Nays 61.

Those who voted in the affirmative are, Messrs. Speaker, Chisolm, Cooper, Creagh, Crews, Critcher, Gates, Goodman, Gonder, Gunter, Hatcher, W. Hendrix, Kennedy, Lea, Ligon, McGuire, E. L. Smith, Storrs, Swanson, Watkins, Whatley and Young—22.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Coupland, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gazzam, Goldsby, Hall, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, M. A. King, McCall, McCollum, McDonald, McMullen, McLeod, Murphy, Neal, Patton, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, Stone, Storrs, Swanson, Thorn, Turner, Williams, Wilson, Wood and Wright—61.

And then the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 13th, 1849.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Cooper, to authorise Alexander T. Mitchell to erect a mill-dam across Chattooga river :

Mr. Cooper, for the extension of the time in which plaintiffs may renew their suits in civil cases :

Mr. W. Holly, to abolish an election precinct in Coffee county and establish another in the same :

Mr. Kendrick, for the relief of Stephen B. Ray :

Mr. Boon, to explain an act passed 5th of December, 1849, to repeal an act approved February 25th, 1848 :

Mr. A. R. Davis, to provide for the compensation of tales jurors :

Mr. Pickett, to amend the law in relation to appeals from justices of the peace :

Mr. Adams, to authorise James N. Harris to charge ferriage in certain cases :

Mr. Gunter, for the relief of Mary Livingston :

Mr. Günter, for the relief of Rebecca Smith :

Mr. Rather, for the more effectual protection of executors and administrators in the discharge of their official duties :

Mr. Irby, to authorise the quarter master general to distribute cavalry arms on terms therein named :

Mr. Humphreys, to repeal in part an act therein named.

Said bills were read and ordered to a second reading.

Mr. Hill introduced an account in favor of D. M. George, which was referred to the committee on accounts.

A message from the Governor, by Mr. Harrison :

Mr. Speaker: His Excellency the Governor has approved bills of the following titles, to-wit :

An act to require the names of prosecutors to be endorsed on bills of indictment :

An act to declare the Cahawba river a public highway :

An act for the relief of Creed T. Oliver :

An act to provide for paying grand and petit jurors for the county of Coffee :

An act to amend the charter of the city insurance company of Mobile :

An act to repeal an act entitled an act to define and regulate the duties of the county treasurer and tax collector for the county of Russell :

An act to enable guardians and administrators and executors to hire slaves privately :

An act for the relief of Murdouch McLeod :

An act providing for the pay of jurors in Sumter county :

Which bills originated in this House.

Reports :

Mr. Rather, from the committee on the sixteenth section fund, to whom was referred the petition of sundry citizens of Sumter county, reported adversely thereto, as there is ample provision made in the existing laws for the relief sought. The report was concurred in.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of Thomas L. McGowen, of Macon county, and for the relief of Joseph H. Hinton and Wm. Hinton, late of Greene county, reported the same back. Said bills were severally ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Wm. B. Payne, of Randolph county, reported adversely thereto.

On motion of

Mr. Hudson, the report was laid on the table.

The House refused to order said bill to a third reading.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Park Gray, a minor, reported adversely thereto.

On motion of

Mr. Watts, the report was laid on the table.

The bill was ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, reported adversely to the account of Thomas B. Jones, as the same is provided for by law if authenticated. The report was concurred in and the account withdrawn.

Mr. M. A. King, from the same committee, to whom was referred the memorial of Daniel M. Riggs, reported the same back as having been improperly referred, and recommended its reference to the committee on State bank and branches. The report was concurred in.

Mr. Cooper, from the same committee, to whom was referred the account of Alexander Wood, tax collector of Benton county, reported that they find that in the years 1846 and 1847, the said Wood, as tax collector as aforesaid, collected taxes of one Thomas Crutchfield, a non-resident, levied upon his slave under the revenue law of 1846, which imposed a higher tax upon slaves of non-residents than was imposed upon the slaves of resident citizens of this State, and that the said Crutchfield instituted suit for the excessive tax so collected against said Wood, returnable to the fall term, 1848, of Benton circuit court, and after Wood had paid the said tax, by him collected, into the State treasury. The excessive tax collected in 1846, was \$43 25 cents, and the excessive tax collected in 1847, was \$42 45 cents. Before the said tax collector paid over the taxes in 1847, he was notified by the said Crutchfield not to pay it over, but no notice as to the tax collected in 1846; there was proof to satisfy the committee that the said Wood acted under the advice of legal counsel. At spring term of 1849, of said court, a judgment was rendered by said court in favor of said Crutchfield, against said Wood, for the sum of \$18 43 cents damages, and the sum of \$20 and 50 cents cost. The committee find in the proof filed with the said account, that the said Wood has paid attorneys in said case, the sum of thirty dollars, and also, the sum of two dollars for a transcript of the cause, which, including interest, amounts to \$101 50 cents, which sum your committee are of the opinion should be refunded to the said Alexander Wood, and had instructed me to report the accompanying bill, and recommend its passage.

The committee instruct me to report the accompanying bill for the relief of Alexander Wood, late tax collector of Benton county. Said bill was read and ordered to a second reading.

Mr. Ryan, from the committee on retrenchment, to whom was

referred the bill to regulate the attendance of members of the Legislature, reported the same back as requiring no action on the part of said committee.

On motion of Mr. Biker, the report was laid on the table.

Mr. Hill moved the indefinite postponement of the bill.

Mr. Jones moved to lay the bill on the table, which motion prevailed.

Mr. Wilson, from the committee on military, to whom was referred the bill to establish an additional beat in the 88th regiment, in the county of Jefferson, to attach regiment, numbered 81, to the 18th brigade, and for other purposes, reported the same back. Said bills were severally ordered to be engrossed for a third reading.

Mr. Lockwood, from the committee on ways and means, to whom was referred the bill in relation to taxes illegally collected from non-residents, reported the same back. Said bill was ordered to be engrossed for a third reading.

Mr. R. H. Smith, from the committee on the judiciary, to whom was referred the bill to amend the attachment laws of this State, and the bill to amend the law in relation to garnishments, reported a substitute therefor, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill regulating the fees of judges and clerks of the county courts in the several counties in this State, and the bill to repeal in part an act therein named, and for other purposes, reported a substitute therefor.

Mr. M. A. King moved to lay the report on the table, and to print one hundred and thirty-three copies of the substitute.

Mr. Foscue called a division of the question, which was first taken on the motion to lay on the table, and lost. Yeas 30; nays 56.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Barrow, Crews, Critcher, Corsbie, N. Davis, Edwards, Franks, Goodman, Hardwick, M. Hendricks, Hill, Hough, Hudson, Humphreys, Irby, M. A. King, McCall, McCollum, McLeod, Murphy, Perryman, Rather, Rowe, Turner, Walker, Whatley, Wilson, and Wright—30.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Baker, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Gonder, Groce, Gunter, Hatcher, Heflin, W. Hendrix, A. Holly, W. Holly, James, Jemison, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McDonald, McGuire, McMullen, Patton, Perkins, Pickett, Quinn, Reese, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Watkins, Watts, Williams, Wood and Young—56.

The motion to print was withdrawn by Mr. M. A. King.

Mr. Cooper moved to refer the whole subject to a select committee, raised upon the probate bill.

Mr. Jones moved to order the printing of one hundred and thirty-three copies of the substitute, and to postpone the further consideration until the first Monday in January, and make it the special order for 11 A. M. on said day.

Pending which question, the hour of 12 M. having arrived, the House proceeded to the consideration of the

Orders of the day :

The bill from the Senate to provide for the selection of school lands in lieu of the 16th section in the Chickasaw purchase.

The engrossed bills:

To authorise Henry C. McCollum and his associates to erect a toll bridge across New river :

To authorise Hosea Holly to erect two gates across a certain public road therein named :

For the relief of Wm. O. McKay :

Were severally read the third time and passed.

The bill requiring the lessee of the Penitentiary to build a hospital, and for other purposes, was read the second time.

Mr. Wood moved to amend said bill by adding to the end of second section "to be appointed by the Governor," which motion prevailed.

Mr. Camp moved to amend by adding to the first section, "provided that the hospital shall not cost more than fifteen hundred dollars," which motion prevailed, and the bill was ordered to be engrossed for a third reading.

The bills:

To compensate Hardy Griffin, of Perry county.

To impose additional duties on the inspectors of the penitentiary :

For the relief of Mrs. Harriet Peters, of Montgomery county :

To reduce the fees of the circuit and county court clerks for the county of Covington :

For the relief of Martha A. Tool :

To confirm a certain deed therein named :

In relation to the compensation of the sheriff and clerks of Bibb county, for extra services :

To incorporate the Sipsey river navigation company :

For the relief of Sarah Ann Anderson, of Coffee county :

To establish an election precinct at the town of Chickasaw, in the county of Franklin :

Constituting M. W. Murphy a citizen of Russell county :

To change an election precinct in Benton county :

And joint resolution in relation to the colors presented to the Alabama battalion.

Were severally read the second time and ordered to be engrossed for a third reading.

The bill to make drunkenness a ground of divorce, was read the second time and referred to the committee on divorce and alimony.

The bills :

More effectually to provide for the protection of grand jurors, petit jurors, and witnesses :

To regulate punishments for assaults, assaults and batteries, and affrays :

To repeal certain laws now in force :

To require the judge of the second judicial circuit to continue the court two weeks for the county of Coosa, at the next term, provided it shall be necessary to complete the business of said court :

Concerning the construction of wills, and for other purposes :

To exempt from levy and sale, tools of certain mechanics therein named, and for other purposes :

Providing for an additional term of the chancery court in the county of Macon :

To require justices of the peace to return papers :

To regulate the presentment of grand jurors for misdemeanors :

Were severally read the second time and referred to the committee on the judiciary.

The bill to repeal a certain act therein named, was read the second time, and was, on motion of

Mr. Jemison, referred to the committee on the judiciary, with instruction to enquire into the constitutionality of the act of incorporation and the act renewing the charter of the turnpike company therein named.

The bills :

To repeal the act to improve the navigation of Bayou La Batre, in the county of Mobile :

To alter and amend an act entitled an act to revise and amend an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes, approved March 6th, 1848 :

To incorporate the Mobile and Dog river plank road company :

Were read the second time and referred to the committee on internal improvements.

The bills :

For the relief of Mrs. Susan Hawley, of the city of Montgomery :

For the relief of Calvin J. Gulley, late sheriff of Greene county, and his securities :

Were severally read the second time and referred to the committee on propositions and grievances.

The bill to amend and explain an act to incorporate the Mobile and Ohio rail road company was read the second time, and on motion of

Mr. Lockwood, laid on the table.

A bill to declare a person therein named a *feme sole* was read the second time.

Mr. Gazzam moved to amend as follows :

SEC. 3. *And be it further enacted*, That the provisions of this act be and they are hereby extended to Mary D. Whitaker, wife of Wm. H. Whitaker, of the county of Mobile.

Said amendment was adopted.

Mr. Boon moved to amend by extending its provisions to Sarah Metcalfe, of Dale county.

Which was adopted.

Mr. Whatley moved to amend the bill by extending its provisions to Mrs. Mary Wood, of Benton county.

Said amendment was also adopted.

Mr. Adams moved to amend the bill as follows :

SEC. 4. *And be it further enacted*, That from and after the passage of this act all married women of this State be and they are hereby constituted free dealers.

Said amendment was adopted.

The bill was then referred to the committee on divorce and alimony.

The bill to incorporate the Marshal Cavaliers was read the second time and referred to the committee on the military.

The bill to prevent the introduction of slaves into this State from States or Territories preparing to emancipate was read the second time and referred to the committee on federal relations.

The bill to amend the stray laws was read the second time and on motion of

Mr. Cooper, laid on the table.

The bills :

To establish a precinct election in the county of Sumter :

To change certain election precincts in Choctaw and Sumter counties :

Were severally read the second time and referred to the committee on privileges and elections.

The bill to provide a set of weights and measures for the county of Coffee was read the second time.

Mr. Turner moved to amend the bill by adding "and the county of Choctaw."

Said motion prevailed, and the bill was ordered to be engrossed for a third reading.

The bill to adjust and settle the debt due from the county of Coffee to that of Dale was read the second time and referred to

a select committee composed of the delegations from Coffee and Dale.

The bill to enlarge the powers of the intendant and council of the town of Eutaw was read the second time and referred to the committee on corporations.

The bill for the relief of Nancy Wilson, of Pickens county, and for other purposes, was read the second time.

Mr. N. Davis moved to amend the bill by striking out the second section.

Which motion prevailed, and the bill was ordered to be engrossed for a third reading.

The bill to regulate the fees of solicitors of this State was read the second time, and on motion of

Mr. Gardner, laid on the table.

Mr. Kennedy, from the committee on enrolled bills, reported a bill to constitute a company beat or beats in the county of Jefferson as correctly enrolled.

Mr. Rowe, from the same committee, reported, as correctly enrolled :

A bill for the relief of James M. Gee :

A bill for the relief of purchasers of lots in the town of Newton.

Mr. Wilson moved to adjourn, which motion was lost. Yeas 23 ; nays 52.

Those who voted in the affirmative are, Messrs. Speaker, Brasher, Cain, Coleman, Critcher, Corsbie, N. Davis, Goldsby, Gardner, Gunter, Hefflin, M. Hendricks, Jemison, McCollum, McDonald, Murphy, Rather, Ryan, Stone, Turner, Wilson, Wood and Wright—23.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Bridges, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Gardner, Gates, Goodman, Groce, Hardwick, W. Hendrix, A. Holly, Wm. Holly, Hudson, Humphreys, James, Kendrick, M. A. King, Lea, Ligon, McMullen, Patton, Perryman, Pickett, Quinn, Reese, Reynolds, Rowe, Simmons, E. L. Smith, Storrs, Swanson, Thorn, Watkins, Watts, Whatley, Williams and Young—52.

Mr. Watkins moved to take from the table the bill to divide the county of Sumter into commissioners' districts, which was lost.

On motion,

The House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, December 14th, 1849.

The House met pursuant to adjournment.

Mr. Aldridge introduced a bill to provide for the publication

of the caption of the acts, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Goodman introduced a bill to incorporate the Lafayette manufacturing company, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on corporations.

Bills were introduced by :

Mr. Quinn, to repeal in part an act therein named :

Mr. McMullen, to repeal an act incorporating the town of Greenville, in Butler county, and for other purposes :

Mr. A. Holly, to regulate the business of peddling in the county of Covington.

Said bills were severally read and ordered to a second reading.

Mr. Goodman introduced a bill to repeal the first, second and third sections of the seventh chapter of the penal code of the State of Alabama, and for other purposes therein named, which was read. The House refused to order said bill to a second reading. Yeas 36 ; nays 48.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Barrow, Bridges, Chisolm, Coleman, Cooper, Coupland, Crews, Corsbie, Gardner, Gates, Goodman, W. Hendrix, Hudson, Jemison, Jones, Lea, Ligon, Lockwood, McCollum, McDonald, McMullen, Patton, Rives, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Turner, Walker, Watkins, Watts, Wright and Young—36.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Baker, Benbow, Blevins, Boon, Brasher, Cain, Camp, Creagh, Critcher, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Gazzam, Goldsby, Gonder, Groce, Hall, Hardwick, Hatcher, Heflin, A. Holly, W. Holly, Hough, Humphreys, Irby, Kendrick, McCall, McGuire, McLeod, Murphy, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Simmons, Swanson, Thorn, Whatley, Wilson, Williams and Wood—48.

Mr. Cooper introduced a bill to appropriate one half of the two per cent. fund to the connecting the navigable waters of the Mobile Bay with the Tennessee river by rail road communication, and for other purposes, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements, with instructions to have one hundred and thirty-three copies thereof printed for the use of the two houses.

Mr. Blevins introduced joint resolutions to abolish the white basis, which were read.

Mr. Jones moved to suspend the constitutional rule in order to give the said joint resolutions a second reading forthwith, with a view of referring them to an appropriate committee.

Pending which question, the hour of 11, A. M., having arrived, the House proceeded to the consideration of the special order for that hour, it being the bill to provide a uniform law for the registration of deeds and other conveyances.

The question recurred upon the adoption of the amendment offered by Mr. R. H. Smith.

Mr. Jones moved to amend the amendment by striking therefrom the tenth section, which motion was lost and the amendment of Mr. Smith adopted.

Mr. Cooper moved to amend by way of proviso, to come in at the end of the third, as follows: "Except such deeds or other instruments as shall be executed out of the county in which property is situated, in which case such deeds or instruments shall take effect from its delivery to the grantor, provided the same is duly registered upon probate according to the provisions of the first section of this act, within sixty days of the date of the execution and delivery of said deed or instrument in the county where said property is situated."

On motion of

Mr. Hill, the bill and proposed amendments were recommitted to the committee on the judiciary.

The hour of 12, M., having arrived, on motion of

Mr. R. H. Smith, the orders of the day were suspended to enable the select committees to make their reports.

Mr. R. H. Smith, from the select committee to whom was referred the memorial of Miss D. L. Dix, on the subject of a State hospital for the protection and cure of the insane, reported:

That the committee think no statement or argument can be necessary on the importance of such an institution; no extraordinary appeals are required to elicit our sympathies in behalf of affliction. Increasing legislation throughout the civilized world for the protection and relief of the unfortunate of every class, speaks the tendency of the age too plainly to require comment. The census of 1840 informs us there were then three hundred and fifty-seven persons within our State idiotic and insane. When it is remembered that the computation was a mere incidental duty to ascertaining the population, it will appear that the number must have been much larger, especially as the lunatics from Alabama in the hospitals of other States were probably not included.

We are advised by the touching memorial of Miss Dix, whose philanthropic life has been largely devoted to ascertaining and ameliorating the condition of this unfortunate class, that according to the lowest estimate, there are not fewer than seven hundred idiots, epileptics and insane within our State. Observation teaches how deplorable and distressing must be the condition

of such, out of an asylum. All testimony coincides in acknowledging the restorative and ameliorating effects of treatment in one.

The committee, impressed with the importance of such an institution, have never felt the force of an objection to its present establishment on the ground of expenditure. The necessity for prudence and economy in the present exigencies of the State, is sensibly appreciated; but the committee think the object to be accomplished rises above the objection. A comparison of the property and taxes of Alabama with the taxes and property of some of the most flourishing States of the Union, will leave us little cause to complain that we are heavily burdened.

But your committee do not think the establishment of an asylum will be considered as an ordinary act of appropriation, to be made or withheld on strict rules of economy. They look upon the protection of our afflicted people as the duty of the State, as high, as obligatory as that of securing to her citizens the enjoyment of liberty and estate.

The committee instruct me to report the following bill to establish a State hospital for insane persons in Alabama.

Said bill was read and ordered to a second reading.

Mr. Wood, from the select committee composed of the delegation from Autauga, to whom was referred the bill from the Senate to incorporate the Prattville engine company, reported the same back. The bill was ordered to a third reading.

Mr. Hall, from the select committee to whom was referred the bill to amend the act approved 3d of March, 1848, to prevent the evils arising from local legislation, reported the same back with an amendment by way of proviso to the first section.

Mr. Jemison moved to amend the proviso by striking out the word "two-thirds," and inserting "four-fifths," which motion prevailed, and the amendment as amended was adopted.

Mr. Lea moved to amend the bill by striking out all after the enacting clause, and inserting, "that the second and third sections of the above recited act be and the same are hereby repealed.

On motion of

Mr. Lea, the bill and proposed amendments were referred to the committee on the judiciary.

Mr. Patton, from the select committee composed of the delegation from Lauderdale, to whom was referred the bill from the Senate to prevent the commissioners' court for the county of Lauderdale, from levying a higher tax than fifty per cent. on the State tax, reported the same back with an amendment, which was concurred in, and the bill ordered to a third reading.

Mr. Rowe, from the select committee composed of the delegation from Tallapoosa, to whom was referred the bill to provide for completing the records of the clerk's office of the circuit court

of Tallapoosa county, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading :

Mr. Stone, from the select committee composed of the delegation from Pickens, to whom was referred the bill to require the annual publication of the condition of the treasury of the county of Pickens, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. W. Holly, from the select committee composed of the delegation from Coffee and Dale, to whom was referred the bill to adjust and settle the debt due from the county of Coffee to that of Dale, reported the same back. The bill was ordered to be engrossed for a third reading.

Mr. N. Davis, by leave, offered the following resolution :

Resolved, That, with the concurrence of the Senate, the two houses will meet in convention on Tuesday, the 18th inst., at 12 M., to elect a judge for the 9th judicial circuit.

Mr. Goodman moved to amend the resolution by striking out Tuesday, 18th inst., and inserting Saturday, 22d inst., which was, on motion of

Mr. N. Davis, laid on the table.

Mr. Brasher moved to amend the resolution by adding thereto, "and for a judge of the county court of Shelby."

Mr. Gardner moved to amend further by adding "and for a judge for the county court of Barbour." Said amendments were adopted, and the resolution as amended, adopted.

The House then resumed the consideration of the orders of the day.

The bill from the Senate for the relief of Thomas L. McGowan, of Macon county, was read the third time and passed.

On motion of Mr. Bridges, further consideration of the orders of the day was dispensed with, for the purpose of resuming the call of the counties for petitions, bills, and joint resolutions.

The call of the counties having stopped on this morning with the county of Dallas, the question recurred on the motion of Mr. Jones, to suspend the constitutional rule, in order to give the joint resolutions offered by Mr. Blevins, a second reading forthwith.

Mr. Jones (by leave of the House) withdrew his motion, and moved that one hundred and thirty-three copies of the said joint resolutions be printed for the use of the two houses.

[NOTE BY THE CLERK.—Pending the above motion, at one o'clock and fifteen minutes, P. M., an alarm of fire was given. The roof of the capitol was discovered to be in flames, and in three hours from the first alarm the broken walls alone remained. The public records of the various departments were saved and the greater part of the furniture. The fire originated over the Representative Hall.]

SATURDAY, December 15th, 1849.

Pursuant to notice from the Speaker, the House met at 10, A. M., in the ball-room of the Montgomery Hall.

Mr. Speaker laid before the House a communication from Messrs. F. Bugbee, C. T. Pollard, J. E. Belser, George Goldthwaite and Thomas S. Mays, tendering to the Legislature the use of the Presbyterian Church and the adjoining chapel, rooms at the Exchange Hotel, the Odd Fellows' Hall, and rooms at the Montgomery Hall, and Madison House.

A communication from Messrs. Wm. L. Yancey, Hugh W. Henry and J. Whiting, tendering to the Legislature the use of the Presbyterian Church.

A communication from Rev. H. Talbird, pastor of the Baptist Church, of the same import.

A communication from Messrs. J. P. Saffold, E. C. Hannon and John Powell, tendering to the Legislature the use of the Methodist Episcopal Church.

A telegraphic communication from the Mayor of Mobile, tendering the use of the Barton Academy.

Mr. James offered the following resolution :

Resolved, That a committee of five be appointed by the Speaker to act with such a committee as may be appointed by the Senate to examine the rooms which have been tendered to the General Assembly, and that if upon examination of said rooms, the joint committee are of the opinion they can be prepared for the comfortable accommodatian of the General Assembly and the despatch of public business, they are hereby authorised and directed to contract for said rooms and to have them prepared forthwith ; and said committee are further authorised and directed to provide rooms for the accommodation of the departments and officers of the government, as conveniently located to the place selected for the meeting of the General Assembly as possible ; and said committee be instructed to report to their respective houses on Monday, 17th inst., at 10 o'clock, A. M.

Mr. N. Davis moved to amend said resolution by striking therefrom all that relates to State officers, which amendment was, on motion of

Mr. Cooper, laid on the table.

Mr. N. Davis moved to amend said resolution by striking out "five," and inserting "nine," which motion was lost.

And the resolution was adopted.

Messrs. James, Watts, Rather, Hill and Bridges, composed said committee.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has appointed Messrs. Ware, Winston and Abercrombie, a committee to act with a like committee

on the part of the House, for the purpose of preparing for the future action of the legislature.

Mr. Bridges, (by leave) presented the petition of James Magee, *et al.*, which was referred to the committee on the judiciary.

Mr. Jones offered the following resolution, which was adopted :

Resolved, That the committee on the State capitol be instructed to inquire into the cause of the fire which occurred on yesterday, by which the capitol was burned.

And then the House adjourned until Monday morning, 10 o'clock.

MONDAY, December 17, 1849.

The House met pursuant to adjournment, in the ball room of the Montgomery Hall.

Mr. Speaker laid before the House a communication from the mayor of Mobile, tendering the legislature the use of the Barton Academy, in the city of Mobile.

2. A communication from the State treasurer, informing the House of the safe preservation of the moneys and records in his department.

3. A communication from P. Phillips, and others, of Mobile, inviting the House to attend the rail road meeting in Mobile, on the — inst.

Said communications were laid on the table.

Mr. Stone, (by leave) from the joint committee to make arrangements for the inauguration of the governor elect, reported as follows :

PROGRAMME:

First.

The two Houses will adjourn at 11 o'clock, A. M., on Monday, the 17th instant, form a procession at the Montgomery Hall, receive the Governor elect. and repair to the Methodist Church, where the inauguration will take place.

Second.

The procession will form in the following order :

1. The military.
2. Citizens.
3. Mayor and Aldermen.
4. Committee of Arrangements.
5. Governor elect and the retiring Governor.
6. Chaplain.
7. Members and officers of the Senate.
8. Members and officers of the House of Representatives.
9. Officers of State.
10. Judges of the Supreme and Circuit Courts, and Chancellors.
11. Senators of the United States, Ex-Senators and Ex-Governors.

Third.

The Rev. Dr. Hamilton will act as Chaplain.

Fourth.

Gen. James G. Carroll will act as Marshal, with aids.

Fifth.

After the inauguration, the two Houses will again form in procession and escort the Governor to his rooms.

Messrs. SETH P. STORRS,
GEORGE N. STEWART,
JAMES M. BECKETT,

Committee on the part of the Senate.

Messrs. LEWIS M. STONE,
JOHN S. STORRS,
ENOCH ALDRIDGE,

Committee on the part of the House.

The above report was concurred in.

Mr. Baker moved to suspend the call of the counties to enable him to introduce a bill to provide an appropriation for the re-building the capitol at Montgomery, which motion was lost.

Mr. Rives, (by leave) made the following report :

The committee on the State capitol, to whom was referred the resolution instructing them to inquire into the cause of the fire which caused the destruction of the State capitol, instruct me to report, that that they have made examination and inquiries on the subject, and are of the opinion that the fire was communicated from the flue or chimney to a timber, the end of which had been inserted in, and rested on an eyelet hole, left for that purpose in the wall of the Representative Hall.

Your committee have been unable to hear of any person having been injured by the fire, and have heard of no one missing.

The call of the counties having been suspended, the House proceeded to the consideration of the orders of the day.

The engrossed bills :

To revise and amend the attachment laws of this State :

To incorporate the Sipsey river navigation company :

For the relief of Sarah Ann Anderson, of Coffee county :

Constituting M. W. Murphy a citizen of Russell county :

To change an election precinct in Blount county :

In relation to the compensation of the sheriff and clerks of Bibb county for *ex officio* services :

For the relief of Martha Jane Tool :

Were severally read the third time and passed.

Mr. James, from the joint committee raised on Saturday, made the following report :

The joint committee of the two houses, to whom was referred a resolution "authorising and directing them to select rooms for the comfortable accommodation of the General Assembly, and

dispatch of public business," and also, "to procure rooms for the accommodation of the departments and officers of the government," report that they have selected rooms as comfortable and as convenient as could be expected in buildings erected for the contemplated purposes.

They have selected a large room in Tilley's brick buildings, on the second floor, for the accommodation of the Senate; they have selected the ball room of the Exchange for the House of Representatives; the brick building in the rear of the Madison House, owned by Mr. Pryor, for the accommodation of the comptroller, treasurer and adjutant general; the ladies' parlor of the Madison House, for the governor; and the dining room, opposite the ladies' parlor, for the secretary of State. They have also selected rooms in Mr. Thorington's building, opposite the Montgomery Hall, for the use of the clerk of the supreme court.

The resolution authorised and directed the committee to contract for rooms. The committee are, however, relieved from the performance of this duty, as the proprietors of all those rooms have most liberally tendered their use to the General Assembly free of any charge, with the single condition, that they are to be returned in the same manner as they are received.

The committee have, therefore, in accordance with these resolutions, instructed the comptroller, treasurer and secretary of State, clerk of the supreme court and adjutant general, to repair to their respective rooms, and to convey their respective records and papers.

They have directed the secretary of State to have put in order the rooms assigned the governor.

The committee respectfully recommend to the General Assembly the acceptance of the rooms so cheerfully tendered by the citizens of Montgomery.

LORENZO JAMES;

Chairman House committee.

R. J. WARE,

Chairman Senate committee.

On motion of

Mr. Gates, the report was laid on the table. Yeas 47; nays 44.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Coleman, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Gates, Gonder, Groce, M. Hendricks, Hill, Humphreys, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, Murphy, Neal, Perkins, Perryman, Quinn, Rather, Reynolds, Ryan, Skelton, R. H. Smith, Stone, Thorn, Turner, Watkins, Whatley, Wright and Young—47.

Those who voted in the negative are, Messrs. Speaker, Ashley,

Baker, Barrow, Benbow, Boon, Chisolm, Coupland, L. R. Davis, Edwards, Foscue, Franks, Gardner, Gazzam, Goodman, Hall, Hardwick, Hatcher, Heflin, A. Holly, W. Holly, Hough, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Patton, Pickett, Reese, Rives, Rowe, Simmons, Storrs, Swanson, Walker, Watts, Williams, Wilson, Wood—44.

Mr. Bridges (by leave) offered the following resolution :

Whereas the destruction of the State capitol at this place on Friday last has deprived the General Assembly of any suitable place for conducting its deliberations, and that there cannot be procured in the city of Montgomery suitable comfortable buildings for the accommodations of the two houses in the discharge of their important duties and the convenient dispatch of public business : 'Therefore be it

Resolved, 'That, with the concurrence of the Senate, when the two houses adjourn on ——— next they adjourn to meet at the Barton Academy, in the city of Mobile, which building with its large and commodious apartments have been tendered the General Assembly for the purpose of continuing the present session and completing its appropriate business, and that the secretary of State, comptroller and State treasurer repair to the said city of Mobile and take with them such of the public records as may be necessary to aid the General Assembly in the progress of its business.

Mr. Ryan moved to amend said resolution by striking therefrom all that relates to the "Barton Academy, in Mobile," and inserting "the old capitol, at Tuscaloosa."

Pending which question, the hour of 11, A. M., having arrived, the House withdrew and joined the procession, which repaired to the Methodist Episcopal Church, where the oath of office was administered by Mr. Speaker to the Hon. H. W. Collier, governor elect. After the address from governor Collier, the House returned to the Hall, and, on motion of

Mr. Baker, adjourned until 3½ o'clock this afternoon.

AFTERNOON SESSION, December 17th, 1849.

The House met pursuant to adjournment.

The question recurred on the motion of

Mr. Ryan to strike out of the resolution offered by Mr. Bridges so much as relates to the Barton Academy, in the city of Mobile, and insert the old capitol at Tuscaloosa.

Pending which question,

The House adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, December 18, 1849.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Also a communication from the committee on the part of the Methodist Episcopal Church, tendering to the legislature the use of their building.

On motion of

Mr. Jones, the call of the counties was suspended, with a view of resuming the consideration of the resolution offered by Mr. Bridges yesterday.

The question recurred on the motion of

Mr. Ryan to strike out all that relates to the Barton Academy, in the city of Mobile, and insert the old capitol, at Tuskaloosa.

Mr. Ryan moved the previous question.

Mr. J. H. King moved to lay the resolution and amendment on the table.

Mr. M. A. King called for a division of the question, which was first taken on laying the amendment of Mr. Ryan on the table, and carried. Yeas 64: nays 30.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Chisolm, Cooper, Creagh, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gazzam, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, M. A. King, Ligon, Lockwood, McCall, McDonald, McMillen, McLeod, Patton, Perryman, Pickett, Reese, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—64.

Those who voted in the negative are, Messrs. Adams, Aldridge, Camp, Coleman, Coupland, Crews, Critcher, Corsbie, Gates, Groce, M. Hendricks, Hill, Jemison, J. H. King, Lea, McCollum, McGuire, Murphy, O'Neal, Perkins, Quinn, Rather, Reynolds, Ryan, Skelton, Stone, Storrs, Thorn, Turner and Watkins—30.

The question recurred on laying the resolution of Mr. Bridges on the table, and was carried. Yeas 67; nays 27.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coupland, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Lea, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Pickett, Rather, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs,

Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—67.

Those who voted in the negative are, Messrs. Blevins, Bridges, Coleman, Cooper, Creagh, Crews, A. R. Davis, N. Davis, Gates, Gazzam, Groce, Hill, Irby, Jemison, James, M. A. King, Lockwood, McCollum, McDonald, McGuire, O'Neal, Perkins, Quinn, Reynolds, Ryan, Stone and Turner—27.

On motion of

Mr. Patton, the report made by

Mr. James, from the joint committee, was taken up and concurred in.

Leave of absence was granted to :

Messrs. Creagh, Rowe, Hill, Skelton, Baker, Ashley, for six days.

Mr. Hardwick, until Monday week.

Messrs. McLeod, Neal, Quinn, Gonder, McCall, Blevins, Chisolm, Crews, Turner, Boon, Williams, Reese, Perryman.

On motion of

Mr. Patton, the House adjourned until Thursday morning, at 10 o'clock, to meet in the ball room at the Exchange Hotel.

THURSDAY, December 20th, 1849.

The House met pursuant to adjournment, in the ball room of the Exchange Hotel.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

Leave of absence was granted to :

Mr. Baker, until January 1st.

Messrs. A. R. Davis, McDonald and Hudson.

Mr. Williams offered the following resolutions, which were adopted :

Resolved, 'That the prompt and generous action of the citizens of Montgomery in providing and tendering to this body, free of charge, comfortable and spacious rooms for its accommodation through the rest of the session, relieves the House of Representatives from all embarrassment.

And further resolved, 'That its thanks are due and are hereby tendered to the citizens of Mobile for their ready and gratuitous tender of the Barton Academy, in which to finish the business of the session, should the Legislature deem it necessary or expedient to adjourn to that city temporarily.

Mr. Bridges offered the following resolution :

Resolved, That, with the concurrence of the Senate, when the two houses of the General Assembly adjourn on to-morrow, Friday, the 21st, they adjourn to meet again at 10 o'clock, on December 31st.

Mr. N. Davis moved to amend said resolution by striking therefrom "December 31st" and inserting "the third Monday in January."

Mr. Cooper moved to lay the resolution and amendment on the table.

Mr. Perkins called for a division of the question, which was first taken on the amendment and carried. Yeas 63; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Bridges, Cain, Camp, Coleman, Cooper, Coupland, Crews, Critcher, Corsbie, Edwards, Foscue, Franks, Gardner, Gates, Goodman, Groce, Hall, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Humphreys, Hudson, Irby, James, Jones, Kendrick, Kennedy, M. A. King, Ligon, McDonald, McMullen, Murphy, Patton, Perkins, Pickett, Rather, Reynolds, Rives, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—63.

Those who voted in the negative are, Messrs. Blevins, N. Davis, Gazzam, W. Hendrix, J. H. King, Lea, Lockwood, McCollum and McGuire—9.

And then on the resolution, and carried. Yeas 43; nays 31.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Cain, Camp, Coleman, Cooper, Coupland, Critcher, Corsbie, N. Davis, Edwards, Franks, Goodman, Heflin, M. Hendricks, W. Hendrix, W. Holly, Hough, Humphreys, James, J. H. King, M. A. King, Ligon, McGuire, McMullen, Murphy, Patton, Pickett, Rather, Rives, Ryan, Skelton, Simmons, Stone, Thorn, Watkins, Watts, Whatley, Wilson, Wright and Young—43.

Those who voted in the negative are, Messrs. Speaker, Barrow, Bridges, Crews, L. R. Davis, Foscue, Gardner, Gates, Gazzam, Groce, Hall, A. Holly, Hatcher, Hudson, Irby, Jones, Kendrick, Kennedy, Lea, Lockwood, McCollum, McDonald, Perkins, Reynolds, E. L. Smith, R. H. Smith, Swanson, Walker, Williams and Wood—31.

Mr. Gates offered an amendment to the rules of this House, which lies over one day.

Mr. Cooper, offered the following resolution :

Resolved, That the choice of seats in this Hall, be determined by ballot, the clerk placing the name of each member in a hat, and the member shall select his seat as his name is drawn.

A point of order having arisen, Mr. Speaker declared said resolution to be out of order, from which decision Mr. Cooper appealed.

The question: Shall the decision of the chair stand as the

decision of the House, was decided in the affirmative—Yeas 56 ; nays 18.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Benbow, Blevins, Bridges, Cain, Camp, Coupland, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Foscue, Gardner, Gates, Gazzam, Goodman, Groce, Hall, Hatcher, Heflin, Hardwick, A. Holly, Hough, Humphreys, Irby, James, Jones, Kendrick, Kennedy, M. A. King, Ligon, Lockwood, McCollum, McDonald, McGuire, McMullen, Patton, Rêynolds, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Walker, Watkins, Whatley, Williams, Wood and Wright—56.

Those who voted in the negative are, Messrs. Barrow, Coleman, Cooper, Franks, W. Hendrix, W. Holly, Hudson, J. H. King, Lea, Murphy, Pickett, Rather, Rives, Ryan, Skelton, Watts, Wilson and Young—18.

A message from His Excellency the Governor, by his private secretary, Mr. Harrison :

To the Senate and House of Representatives :

Referring to the message of my predecessor, giving you "information of the state of the government," &c., at an early day of your present session, I avail myself of the constitutional privilege to recommend to your consideration some measures, in my judgment, of great public interest ; and without further preface, proceed to present them.

BANKS AND A PAPER CURRENCY.

Entertaining the opinion that the people of this State are in favor of a paper currency, and that they expect the legislature, at its present session, to enact some safe and practical system by which it may be provided, at least to some extent, I beg leave to invite the attention of the General Assembly to the early consideration of this interesting subject. It is generally conceded that an exclusive metallic currency is most inconvenient and costly. The loss from abrasion alone is variously estimated at a large sum, while from other causes it perhaps amounts to much more. The convenience and cheapness of paper money induces its use in all commercial countries, and the objection that it is too easily counterfeited, will lie quite as justly against gold coin.

I will not elaborate its utility, for in permitting bank bills from abroad to circulate among us, we have given our implied sanction to such a currency. True, we have prohibited foreign banks from establishing agencies to do business in this State ; but the only effect of such a measure, so long as their circulation is not proscribed, is to take from our citizens a facility for obtaining discounts at home, and forcing them, at considerable expense and inconvenience, to seek accommodations abroad. We all

know that the larger portion of paper circulation among us is supplied by banks located in other States, North and East of us ; and much of it is supposed to be lent to our people upon bills payable in Mobile, New Orleans, or some Atlantic city. The premium paid for money thus obtained is far beyond the statute rate of interest. Thus, a bill payable in New Orleans or Mobile and discounted at Nashville for the benefit of a citizen of Alabama, is most usually charged with the commissions of an agent, who offers it for negotiation, with charges for insurance if the proceeds are sent by mail, unless the borrower takes the risk, or with a premium upon a check or draft, which is rarely reimbursed by its resale, or an exchange of its proceeds. In addition to this, the bank receives the amount of the bill in funds at par where it is payable, and in this way realises a profit, as exchange is always against it. These several items, it is believed, may reasonably be set down as equal to two or three per cent. While the banks East of us are understood to lend less readily, their loans are believed to be burthened with fewer and lighter charges. It would be difficult to ascertain, with precision, the amount of contributions levied upon the people of Alabama by the course of dealing referred to ; that it amounts to many thousands, cannot be doubted. Be it what it may, it is an exaction which withdraws from the State that amount—is a direct charge upon the borrower, and indirectly affects the entire community. To this view, it may be added, that if the business of banking furnishes a profitable investment for money, or one in which our capitalists would be willing to engage, it is certainly our duty to yield to them the field of operation, instead of permitting others to enjoy its benefits at our cost.

It must be confessed that evils, almost innumerable, may be traced to the use of paper money, yet these are to be attributed to the defective organisation of the systems of banking, or to the perversion and abuse of these systems to advance selfish ends, rather than any inherent evil attaching to a paper currency itself. If this be so, is it wise, is it statesmanlike, to denounce, as impolitic, paper money in every form in which it can be furnished? Should we not labor to improve upon the past—to impose restrictions upon its emission, and to retain a supervision and control over banking institutions, that evil may be avoided and the desired benefits realised? If we may be allowed to judge from what has been done, and is doing elsewhere, these objects may be so far effected, that the benefits of a paper currency will overbalance all the injury and loss which should be expected, either from its use or abuse. Shall Alabama continue to live in dependence upon her sisters on the North and the East, and submit to exactions at which her self-respect, if no higher motive,

should prompt her to revolt—shall she fold her arms in inglorious repose and forego the benefits which some, much less favored States, are reaping from a well regulated currency?

The sale of bills to a great extent, maturing in Mobile, to foreign banks, may restrict the capacity of the bank located in that city to discount the paper of its proper customers. These bills would most probably be paid in the currency of the Mobile bank, and their redemption would be demanded in coin, unless specie funds at some other point equally desirable, were substituted. The tendency of this course of dealing, is to limit the circulation by reducing its basis; and the effect will of course be what we have stated. Whether this position is sustained in point of fact, or what the events of the past prove, I am not prepared to say; but I am sure it is well sustained by reason.

Sooner than submit to a state of things so exacting and oppressive, would it not be better to enable our citizens to cut loose their dependence upon foreign banks, by allowing a local paper currency to be provided by our own capitalists? We know nothing of the condition of the banks of our sister States, nor can we exercise a supervision over them. If they fail to redeem their circulation, the consequences to us, so far as we may hold their paper, would be quite as disastrous as if they were located in our midst, and indeed more so, if the billholder is forced to seek reimbursement in a foreign jurisdiction. It is then the dictate of prudence to allow our people to set up for themselves—to authorise the establishment of banking institutions in such form and under such restrictions as will subject them to the examination of a public officer, and to severe penalties for a violation of prescribed duties—taking care to furnish as ample security to the billholder for the redemption of their circulation, as is compatible with an inducement to capitalists to invest funds in the business. Banks thus organised would not offer an undue temptation to borrow money. To sustain themselves they would find it necessary to confine their discounts to well indorsed (or otherwise secured) commercial paper, having but a short time to run; and the man whose character for punctuality was questionable, or whose solvency was doubtful, would not be a favorite customer. The prodigal who is not conscientiously scrupulous in meeting his engagements, without reference to the extent of his resources, could not obtain money upon the amplest security, from the banker who combined, in a proper degree, the essential characteristics of caution, decision and firmness.

Where the natural course of things is unsettled—speculation unduly stimulated, and confidence in the integrity and solvency of all who maintain a credit exuberant, money may be obtained upon security, which, in times of ordinary commercial quiet,

would be regarded as altogether worthless. The history of our State for several years previous to the revulsion of 1837 fully exemplifies the truth of this remark. But those were extraordinary times, a recurrence of which is not to be desired, and if they should return, we cannot be unmindful of the lessons they inculcate.

It will not do to denounce banking and a paper currency as unworthy of legislative patronage merely because they have been so employed as injuriously to affect the public morals and oppress with debt the people and the State. We must remember that these evils were superinduced by a reversion of the order of nature, and that the system we have renounced is universally conceded to be eminently false and deceptive. The opinion prevailed extensively that the business of banking could be made a source of great profit, and would be much better managed under the direction and supervision of the Legislature, than by a corporation composed of individuals seeking to promote their own interests. It is needless to attempt to prove the fallacy of this opinion by arguments drawn from the moral constitution of man; the sequel of the experiment has shown the impracticability of its success so clearly that none desire to see it renewed. The history of our State Banks need not be written to prevent the adoption of the system here or elsewhere. So far as it is open to the observation of all, it exhibits many dark spots, and if its secret transactions could be developed, we should, doubtless, contemplate the picture with no pleasurable emotions. If the system did not contain within itself the *virus*, which sooner or later must have proved its own destroyer, its practical operation tended continuously to bankruptcy and dissolution. The suggestions of prudence were disregarded, and instead of placing in the direction of our Banks those whose only interest was to manage their affairs, so as to yield the greatest interest to the State, and furnish the safest currency to the people, it most usually happened that a majority of the directors were themselves borrowers, or connected with other persons who were. The expediency of such a course was not seriously questioned for years, nor was it repudiated until the banks were involved in immense losses—the times were such as to indispose us to contemplate the natural course of things, or to look at sober realities. We were contented to take the balance sheet as an exhibit of profits, without examining the list of bad and doubtful debts.

Under our banking system, the people of all classes and occupations, who could furnish sureties, whose ability was affirmed by reputable persons, were indirectly invited to become borrowers—the banks were regarded as the property of the people, not only collectively, but individually, and loans were made upon

paper running to the end of the year, with the tacit understanding that it should be renewed until by moderate curtailments it was paid off. The natural consequence was, to foster a spirit of reckless extravagance—many persons were tempted to borrow money who did not need it—caution and prudence in pecuniary transactions were almost forgotten—public morals sunk below a healthful standard, and credit was extended beyond all previous limits. This is not a fancy sketch; it is a picture of reality, verified by the scenes through which we have passed. Men without means, or established reputation for business or integrity, were enabled to contract debts to the amount of many thousands—bank customers were received as certifiers and sureties for each other. Such a state of things being altogether artificial, could only exist so long as confidence was undisturbed, or reason slumbered or was perverted; but when they were awakened, and cautious inquiry was allowed to exercise its office, it was too late to repair the disasters of a destructive policy. We could contemplate with overwhelming astonishment the widespread ruin—look into our affairs, and wonder how our reason had been so long dethroned—how we had lived and imagined we were prosperous, when every day was adding to our poverty and bankruptcy!

It is certainly true, that most men, even with honest intentions, are inclined to be more punctiliously exact in conducting their own affairs than in the performance of public trusts. This must be attributed to an inherent constitutional defect, rather than the absence of a proper sense of conscientiousness, and can only be overcome by proper training and constant watchfulness. For the truth of the position assumed, we have but to contrast the condition of the Mobile bank with that of the State institution in the same city. Placed in greater peril by the defective organisation and the reckless policy which controlled our State banks, it has passed through scenes of unparalleled trial, afforded to the extent of its means the most opportune and efficient aid to the mercantile community around it, and weathered the storm, unshorn of its reputation.

It is frequently assumed that although banks may be convenient for merchants, that the planting interests, so far from being benefitted by them, are most usually sufferers. Planters certainly never should contract debts in anticipation of their crops, for the purpose of obtaining the means to indulge extravagance, or to engage in speculation; and will not be tempted by banks, well regulated and administered, to do so. They would find it more to their interest to borrow of individual capitalists. It must, however, be conceded, that it is often convenient for the planter to obtain an advance upon his crop, before he can get it to mar-

ket, or to sell, if he please, at home, without awaiting the expense, risk and trouble of transporting to a distant market. This is particularly the case with those who grow but little for sale. To enable the merchant to advance or purchase, and the planter to sell on advantageous terms, it is important that the former should be able to obtain money, payable when he shall probably effect a sale. A bank discounting short paper is just suited to his wants—there he may cash a bill drawn upon his consignees at the point to which the shipment is made; and the interest of the merchant and planter be thus mutually promoted. We have now no such facilities in the interior, and the planter residing remote from a point accessible at all times by steamboats, finds it difficult to get his crop to market, or to raise money upon it, but at a great sacrifice, during the months of autumn.

The object of banking is to make pecuniary gains by legal operations; and it is the duty of the Legislature, as the guardian of the public, to regulate and restrain the powers of Banks, that they may not be prejudicially exercised. Bank notes being payable in coin, the Bank must subordinate the amount of its circulation to the probable daily demands upon it; and its business must always be regulated by its liabilities and the time when they are demandable. Expansions must be prevented, so that money may not be unduly cheapened and prices raised above the proper standard. This object being effected, contractions, which produce the opposite result and often superinduce bankruptcy, will, of course, be avoided. The antidote for these evils, in case of stock banks, I think may be found in restrictions and conditions to prevent their occurrence, some of which will be hereafter more particularly defined. Banks thus organised will furnish a paper currency with a reasonable security to the bill holder and a fair profit to the banker.

To make the remedy more effectual, no bank should be allowed to do business upon a capital so large as will give it a monopoly and leave it free to prescribe its own course of action. Such an institution under the direction of a few capitalists might be most potent for evil; if it should be unmindful of the suggestions of wisdom and dispense its accommodations to favorites, to the exclusion of others equally meritorious, it might injuriously affect trade. A bank with resources at its command so ample, might expand or contract, with a view to its immediate profits, irrespective of the public interest. But let the capital of each bank be limited to the proper sum, and locate one wherever it can exist advantageously to the people and itself, and the necessary funds be raised, until the demand for paper money is supplied, and a strong guaranty is at once afforded against unsteadiness, always the consequence of over-trading. Such a course of policy is ne-

cessary to concentrate capital and to induce its employment in the immediate community where it was realised. But if banks shall only be established at the most commercial points, the consequence will be to detract from the wealth of other portions of the State and make them tributary to these. It may be also added that numerous banks of small capital serve to keep each other in check by the opposite policy which their own protection and profit may require them to pursue. The truth of these remarks is well attested by the history of the banks of Rhode Island and Massachusetts for many years; the expansion and contraction of the United States Bank previous to the revulsion of 1819; the operations of the Bank of England for several years preceding the memorable panic and disaster of 1837, and the effect of both these latter institutions at different periods in stimulating and depressing trade.

What amount of capital should be employed in banking in this State, or how much circulation is necessary to supply the legitimate wants of the people, we need hardly trouble ourselves to inquire at present, as it is by no means probable that the demand will be supplied under the authority of the present legislature. A manufacturing and commercial country, where money is passed rapidly from hand to hand, of necessity requires a greater circulation than an agricultural community, where the debts are comparatively few and for small sums. In communities in which the various pursuits of man are controlled by system, and not subject to sudden changes, it is said the more perfectly the number of banks is adapted to the business the less will be the quantity of circulation in proportion to capital that can be maintained; under such circumstances banks are forced to look to their own capital for the profits of business. Whether, if capital is left free to engage in the business of banking, without furnishing an ample and direct guaranty to the bill holder, the system would regulate itself in this State, is too questionable to induce us to favor the experiment. Three of the New England States have more banks and banking capital than are to be found elsewhere in the United States among the same population.—these banks trade more upon their capital than elsewhere—there is but little idle capital there in the form of money—the proportion of coin to circulation is less than elsewhere, although the facilities for furnishing circulation is most perfect. The consequence is, that these banks command public confidence and are regarded steady and safe.

Paper money in this country must be based on and made the representative of gold and silver, because all property is too fluctuating in value to be represented by it. *Besides*, such a system could not be legalised, as the constitution of the United States

prohibits the States from coining money, or from making any thing but gold and silver coin a tender in payment of debts. What should be the proportion of specie to the circulation must of course depend upon the locality of the bank and the character of its business ; but it is believed that much less is necessary than has been usually supposed, if a successful business in exchange is done, so as to place funds where they are most needed. Banking on capital keeps the business within proper limits ; but where the banker operates too much upon his credit, expansions, overtrading and ruinous contractions are the almost certain result. Like every commercial business, it is subject to the laws of trade ; and the obligations of a banker should rest upon a fair capital—*bona fide* business paper—and his cash liabilities, as we have already said, should not be unduly proportioned to his resources.

The right to furnish a paper currency is usually a franchise enjoyed by the few, or if all are allowed to participate in it, certain conditions are prescribed as a prerequisite ; and it is not a mere profitless privilege, but it generally holds forth large gains to the successful banker. Those who enjoy it, should not object to furnish bill-holders and others who may confide in them a reasonable security that their liabilities will be met ; but a preference in making the assets of a bank available, or in charging a stockholder in an incorporated bank, upon his individual liability, should be conceded to the former. Such a distinction in creditors is important to the credit of bank bills, and to induce their free circulation. Depositors cannot complain, as they will act voluntarily in intrusting their money to banks, and with a full knowledge of their rights. The *free bank system*, as it has been designated elsewhere, requires an ample and available security to be deposited with some public officer, previous to commencing business ; but the only security I have known to be provided in the case of stock banks, is to make the shareholders liable for defaults of the bank, in their individual capacity, in proportion to their respective interests. Such I believe has been the law in Massachusetts, and perhaps other States for years. The new constitution of New York introduces it in that State ; and a recent statute has enacted a remedy by which the constitutional provision may be enforced.

But we need not go abroad for precedents. The eleventh section of the act to incorporate the bank of Mobile, declares that the stockholders shall be liable “in their natural or private capacities, in proportion to the number of shares by them held,” for all debts contracted by the corporation ; “and may be proceeded against therefor, jointly or severally.” This provision does not even limit the individual liability of stockholders to the amount of the shares held by them respectively ; but they may

be charged to a much greater extent—depending upon the amount of the debts of the corporation. I think the corporators should be made liable as limited or special partners, and the remedy defined with precision.

The liability of stockholders, in their private capacity, will have the effect to associate capitalists, and induce prudence and caution in the management of a bank. Banks thus constituted, will be apt to command public confidence by the increased security afforded for the payment of their debts. If judiciously conducted, they will do business largely upon their capitals. They would not expand much beyond their present means; and consequently but little inconvenience need be apprehended from contractions.

Although the establishment of banks may not create any new capital, the effect elsewhere has been greatly to economise and facilitate the use of existing capital, by bringing together and uniting much that was dormant or irregularly employed. The convenience of banks invites the deposit of large sums which, under other circumstances, would remain wholly useless and unproductive in the hands of the proprietors. It is impossible to estimate, with any approximation to certainty, the vast amount of hoarded money in this State, some of which has awaited for years an opportunity for profitable investment, and some is retained without any definite purpose. Persons thus holding money, who reside convenient to a bank, and who are willing to trust the honesty of its officers, would deposit their money to avoid the danger of loss from retaining it in their own hands. This floating, idle, buried capital would be re-animated, and to a great extent used in a regular and legitimate business, yielding a profit to the bank and a valuable service to the borrower. Nor would the bank and those to whom it might lend its deposits, be the only persons benefited; but a bank, with all its stock paid in, and managed by an enlightened and prudent directory, might very well afford to pay its depositors a small interest. This is no new idea in banking. There are banks in the United States and a great number in Great Britain that pay interest on deposits.

I will not extend this general view of the benefits derived from paper money; so long as it is recognised in all the States of the Union, and there is no prohibition against its circulation in this State, it is better to provide for its emission, under such regulations and restrictions as insure its redemption in coin, than depend upon the circulation of other States. Assuming this to be the prevailing sentiment, I proceed to develop several plans for furnishing a paper currency, which are as safe for the bill-holder as is consistent with an inducement to capitalists to invest their funds in the business. Let me, however, premise that no one

who is not in a condition to be a lender of money ought to engage in banking. It was a fault in the formation of the capital of most of the stock banks which have heretofore failed, that those whose fortunes were impaired, if not desperate, were invited to become subscribers, and such persons actually obtained the most of the stock. But a small amount was paid at the time, or until the bank began to do business. This was paid in cash, but the remaining installments were usually paid by hypothecating the stock, or by applying the proceeds of a note discounted for that purpose. This note was generally paid in curtailments in the paper of the bank, which was apt to have depreciated so as to become of but little value before payment was completed. A bank thus constituted could not command confidence for any length of time; the purpose was to advance the interest of the stockholders, and he who was most attentive to his own interest, was most successful. The security of the billholder was a subordinate consideration. I will not suppose that any one, with the experience of the past so fresh in our recollection, would be willing to see a bank organised upon such principles.

Should it be the pleasure of the General Assembly to incorporate stock banks, I incline to think it best to enact a general law adapted to such banks as may be chartered at the present or any succeeding session, instead of passing an extended act applying exclusively to each. It cannot be expected that I should state in detail the special provisions of such an enactment; there will be no difficulty in adjusting these, if some of the statutes of our sister States and some of our own are consulted.

I may, however, remark, that among the leading features of such an act it should be provided: 1. No bank should go into operation until at least one-half of its capital stock shall have been paid in gold or silver coin, the money counted by commissioners appointed for that purpose, and their report made to the comptroller. 2. The remainder of the stock subscribed should be paid in equal parts, in sixty and one hundred and twenty days from the time the bank commences operations. Upon default of a stockholder to make such payment, his shares should be sold, and if they shall yield a surplus of money, beyond what is necessary to pay for the stock with interest and the charges incident to the sale, it should be paid over to him. 3. No loan should be made, directly or indirectly, to any stockholder, nor any note or bill discounted, on which his name appears as a drawer, drawee, indorser, or surety, until the amount of his subscription shall have been paid into the bank; and no part of the capital stock should be sold or transferred, until it shall have been fully paid for. 4. The amount of bills issued should not, at any time, exceed thrice the amount of the stock actually paid in. 5. If any bank shall

issue bills to a greater amount than the law authorises, the directors under whose administration it may happen, should be liable for the excess in their private capacities; unless dissenting or absent directors shall exempt themselves from liability by complying with certain conditions to be prescribed. 6. No bank should be allowed to employ any part of its money in trade or commerce. 7. If the payment of any bill or note in gold or silver coin shall be delayed or refused, when presented within the usual hours of business, the bank should pay to the holder a certain amount of damages. 8. The powers of the comptroller and General Assembly in respect to banks should be defined—the causes for which their charters may be forfeited should be particularized, and the Legislature authorised to declare a forfeiture, so as to render it unnecessary to resort to the tedious process of a judicial investigation. 9. Every bank should pay a prescribed annual tax upon its stock actually paid in. 10. No bank should be authorised to issue bills of a less denomination than five dollars, and the Legislature should retain the right to extend the prohibition to ten dollars. 11. The rate of interest on discounting any note, bill, or other security, should be limited to six per cent., such rate of interest or discount should, however, be calculated according to the established rules of banking; and, in discounting drafts or bills of exchange, in addition to the interest, it should be allowable to charge the then existing rate of exchange between the place where the bank is located and where the draft or bill is payable. 12. The president and cashier of each bank should, once in each year, transmit to the comptroller a report, to be made out according to a form to be furnished by the latter, showing the condition of their respective banks. 13. For refusing to pay money deposited or collected, within some reasonable time after demand duly made, each bank should be made summarily liable to the amount deposited or collected, with interest and damages. 14. The remedy for and against banks should be summary and mutual. 15. Upon any bank charter expiring, being forfeited or declared void, the remedy for and against the bank should be continued until its business is closed. 16. A provision similar to that of the eleventh section of the act to incorporate the Mobile bank, should be inserted, so as to make the stockholders liable in their individual or private capacities for the debts of the bank. It should be also provided, that stockholders who pay more than their proportions of demands, may recover contribution, as in other cases of suretyship. 17. The mode of assigning stock with the restrictions upon assignments should be clearly defined.

It is needless to declare that the State shall not become a stockholder in a bank; so long as the constitution remains unaltered,

“at least two-fifths of the capital stock shall be reserved for the State.” But, notwithstanding this constitutional provision, it is not imperative upon the State to pay for the *reserved stock*—it must depend upon the volition of the Legislature, whether it will ever be taken. I will not pretend to say that the regulations and restrictions I have specified may not be improved. They have been stated with diffidence, yet seem to me to meet the objections which have been justly urged against a latitudinous system of banking. If they are not sufficiently restrictive, they can be added to, or if too stringent, they may be relaxed.

The free bank system, as it is styled, has been established in several States, and is quite a favorite in New York, the State in which it was first introduced. It authorises every individual or association to engage in the business of banking, and as there recently modified, requires the whole circulation to be secured by a deposit with the comptroller of stocks of the State of New York or of the United States; to be, or to be made equal to stocks producing six per cent. *per annum*, for at least one-half the amount of the issue; the other half may be secured by such stocks, or by bonds and mortgages on improved productive real estate, to be taken for not more than two-fifths the value of the land, exclusive of buildings. Upon such security being given by a banking association or an individual banker, the comptroller delivers to the association or individual an equal amount of bank notes for circulation, duly numbered, registered, and countersigned, in his office; and these notes form the circulation on which a banking business is done. If a bank note is not redeemed upon due presentation, by the association or individual issuing it, it is protested for non-payment, the securities made available for the payment of the circulation, notice given that it may be presented for payment—and the business thus closed. Whenever it is proposed to withdraw the securities, it is only necessary to return the bills to the comptroller.

This system seems to combine, at least in theory, simplicity, safety, and a reasonable prospect of gain to the banker; and if it will succeed and secure all these advantages, I am free to declare, that it commends itself very favorably to our consideration. In this State, we certainly could not receive real estate as security to any extent; its value is so fluctuating and uncertain, that it is impossible to estimate what it would command in cash at the present moment, much less what it will sell for at any future indefinite period. Even in New York, the average price at which mortgages, taken under the free bank law, were sold up to the time of the recent modification, was a fraction less than sixty-eight cents on the dollar. Alabama has paid the interest upon her debt, according to the letter of her contract, and never has, and,

we hope, never will, manifest a disposition to repudiate; yet her bonds do not retain their nominal value in market, doubtless because when her available means are exhausted, she will have a large sum to raise by taxation, and it is apprehended by foreign capitalists, that as the debt becomes stale, the generation which contracted it passes away, and a new population takes place, the force of the obligation will not be sufficiently felt to induce them to submit to the burthen until the debt is extinguished. These considerations, with the additional one, that the bonds are renewable at the pleasure of the State, have caused them to depreciate far below par value. We have done nothing to contribute to such a result, and consequently are not censurable for any departure from the line of moral duty. I have made this statement to show that our bonds would be an inadequate security, if taken at par, and consequently could not be received at that rate. Could we receive them at a lower estimate, without incurring the charge of intending to depreciate them for selfish motives? *Besides*, the professed object of the free bank law is to secure the bill-holder by securities readily convertible into cash. Are not depreciated stocks too unsteady to predicate of their present value what they will command in future? I merely throw out these suggestions, without pretending to affirm that some plan may not be devised mutually agreeable and beneficial to the State and the bondholder, by which our bonds may be received as security to some extent. We should not hesitate to authorise the reception of United States' six per cents, or other stocks of the Federal Government made equal to them, so as to insure a sale at par, should a default occur.

The effect of this system of banking would be to advance the stocks that were receivable, and thus diminish its own profits; for all that was paid for them above the par value would be a clear loss, unless it could be reimbursed by the accruing interest and the profit realised by the use of the notes received from the comptroller. When the stocks were paid off, the advanced price at which they were purchased would not be refunded.

Upon the hypothesis that the securities were obtained at par, the profits of the banker may be thus stated: Interest upon one hundred dollars of stock at six per cent. is six dollars, and as he may safely use as much as eighty or ninety per cent. of the bills, (especially if he live in Mobile, or at a point where he can communicate with it by steam,) the profits thus made may also be added, deducting the charges of the comptroller and the expenses incident to the business. If the security is unquestionable, and the banker's operations and business qualifications are such as to command entire confidence, he will, most probably, only be called on for small sums in specie, the payment of which will not at

all embarrass him. An intelligent and cautious banker would deal largely in exchange, and place himself in funds at those points where money is most needed. Thus, such a one doing business in the interior of South Alabama, well supplied with exchange on Mobile and New York, with ten per cent. of coin, would be impregnable; for, as it respects this portion of our State, these are the points of *centralization*, and exchange there would be at least equivalent to specie.

The profits of such an institution would, perhaps, be something less than a stock bank organised upon the plan we have developed, if all the means which the latter is authorised to employ were actively and judiciously used; yet, it is believed that few stock banks realise greater profits than a successful banker under the free bank system. To this, it may be added, the latter system will prove safer for individual bankers, even if less profitable. An advantage has been given to the free banks in the city of New York over the safety fund banks, by permitting them to charge a higher interest on short paper, and exempting them from the safety fund tax. We might perhaps relieve them from the payment of a tax beyond what is necessary to defray the expenses they occasion; but I should deem it inexpedient to discriminate in the rate of discount.

I cannot avoid the conviction that the free bank system furnishes the safest circulation of any with which we are familiar: and as it cannot expand beyond a defined limit, no great danger is to be apprehended from its contraction.

Notwithstanding the system is safe and to a great degree powerless for harm, I doubt whether it can be relied on to furnish a paper currency in this State. Our citizens own but a small amount of stocks, and, it is believed, would not be inclined to invest in any but United States six per cents., and not even in these at the present advanced price. Although non-resident holders of stocks might lend them to some extent upon assurances of being well compensated by the borrowers, it is barely probable that a sufficient amount would be brought here to furnish a circulation adequate to the wants of our people. But suppose the deposit of stocks with the comptroller should authorise the issue of as much circulation as we could advantageously use, will not the withdrawal of the stocks, in consequence of their payment by the United States or the State, cause an inconvenient change in moneyed facilities? As neither the State nor Federal Government are inclined to continue their indebtedness beyond the period of their ability to discharge it with convenience, can we rely upon their stocks for any length of time as the basis of a paper currency? It is impossible to answer these questions with certainty—they may, however, serve to show some of the difficulties with which the subject is surrounded.

In view of all the considerations adduced, I am of opinion that the Legislature should incorporate one stock bank, with a capital of a half million of dollars, with restrictions quite as effectual to secure honesty and caution as those I have enumerated. As such a bank would not afford a circulation sufficient to meet the demands of a regular and safe business, I respectfully recommend to the General Assembly to repeal the act of the second of February, 1839, entitled "An Act to prohibit unlawful Banking Associations, and for other purposes," and to regulate and restrict the common law right of banking in such manner as to prohibit its exercise in any other form than I have indicated is best adapted to our situation.

If the latter recommendation is received with favor, I would suggest that no deposit of stock should be received from any banker for a less sum than one hundred thousand dollars. It is not supposed to be necessary to prescribe a *maximum* applicable to any one or all who may be inclined to engage in banking. The business is not likely to be overdone; if it should, it is said it will soon adjust itself, like every other commercial pursuit. If, however, it is thought best, as a prudential measure, to designate a *maximum*, the amount of issues may be fixed and apportioned at different points.

I am aware that some persons entertain the opinion that the free bank system is directly in conflict with the constitutional provisions which declare that no more than one bank or branch bank shall be established, nor bank charter renewed, at any one session of the General Assembly; that at least two-fifths of the capital stock of a bank shall be reserved for the State; and that no bank shall commence operations until half of the capital stock subscribed is paid in gold or silver. It cannot be necessary to meet this objection with an elaborate argument. The court of the last resort of this State has decided that private banking is a common law right, not in any manner impaired by the provisions referred to; that the constitution, as its terms indicate, only restricts the power of the Legislature in the creation of corporations for the purposes of banking; and that the Legislature may prohibit private banking entirely or tolerate it upon conditions. I might add further that our constitution was adopted a few months after the disastrous operations of the banks of some of our sister States—many of which had been incorporated within a shorter period than eighteen months, and developed their bankruptcy before they had emerged from a chrysalis state. It was this state of things that suggested the precautionary provisions, and if these provisions were doubtful, should assist in their interpretation. The recognition of the free bank system, and limiting it to individual bankers, will be nothing more than regulating and restrict-

ing the common law right to bank, and goes clear of any conflict with the constitution. Where several persons jointly engage in the business of banking, they should be made liable to their creditors as limited or special partners. If the free bank system shall furnish an ample paper currency, and succeed to the satisfaction of the people, future legislatures will of course refuse to add to the number of stock banks. It would certainly be improper to do so, as a spirit of rivalry between the two systems would be apt to generate antagonism, which might prove prejudicial to the public. Be this as it may, it is believed but little inconvenience can result from the establishment of a stock bank, with the limited capital suggested, if the General Assembly shall determine that it is expedient to permit a paper currency to be provided by our own citizens.

I have already drawn this exposition to a length quite beyond what I had desired—but I felt it due to public expectation to say thus much, and have only to add that the present is the most propitious period for the establishment of a permanent policy upon this interesting subject. It may now be adjusted under the influence of dispassionate reason—but if it is delayed the public feeling may be aroused and the clamor for paper money be such that the teachings of prudence will be unheeded and the proper safeguards lost sight of.

THE BANK OF MOBILE.

I assume that this institution has been managed with much financial ability, and that its present condition indicates unusual prosperity, yet I am sure that neither the State nor the bank can be prejudiced by the former disposing of its stock in the latter. The connection, if continued, will be apt to prove prejudicial to both. Past experience has demonstrated the impolicy of the State becoming a banker. Whether the directors are selected by the General Assembly or the Executive, it is not to be expected that the choice will be so judicious, as if it were made by individual stockholders. Many of the latter would act upon their own personal knowledge, and the others upon reliable information, derived from those who have a like interest with themselves; while either of the departments mentioned would most usually act upon testimonials, which speak in general terms of qualification, without attempting to discriminate between applicants for the directory, or upon the representations of persons concerned, to advance their own interests. The State cannot be placed upon an equal footing in guarding its rights, and it should not adventure its funds in a corporation whose business is to deal in money. I therefore recommend the passage of an act authorising the sale of the State stock in the Mobile bank, as soon as it can be sold on such terms as will discharge the bonds upon which the loan was

effected to pay for it, and relieve the State from the demand of the bank for interest paid on the bonds. If it be thought essential to the constitutionality of such an act, that two-thirds of the stock should be reserved for the State, it will only be necessary to increase the stock to that extent and continue the reservation. Such an amendment of the charter would be altogether harmless, as the State will never claim the stock.

COMPTROLLER'S OFFICE, PUBLIC DEBT, AND REVENUE.

It is respectfully suggested, that the office of comptroller of public accounts should be so organised as to place that officer at the head of the department of finance. He should have a general supervision over the monetary interests of the State—should address instructions to the tax collectors, and all others concerned in the collection of revenue. Whenever they desire information in respect to their duties, they should call on him for advice, and his opinion should always serve as a warrant to guide them. He should have charge of all debts due the State—direct the time and mode of their collection—should keep separate accounts of the different funds in which the State is interested. The accounts of townships interested in the sixteenth section fund should be transferred to his office—and an account opened by him with each township, and appropriations of the fund disbursed under his warrant. He should be required to make a detailed report of the transactions of his office to the governor and General Assembly as provided by the act of the 3d March, 1848, “reorganising the comptroller’s and treasurer’s departments,” embracing each subject under its appropriate head.

It is not intended, by the proposed reorganisation of the comptroller’s office, to advise a repeal of the act of the 4th February, 1848, “to amend and continue in force an act entitled ‘an act to regulate the affairs of the banks, and provide for the payment of the State bonds.’” That act should remain an exception to his enlarged powers and duties, at least, for a time. The present commissioner and trustee, under the act referred to, has so familiarised himself with the duties it devolves upon him, that the interest of the State requires a continuation of his services. The salary of this officer is altogether inadequate. He should be paid in addition to it, a sufficient sum to cover his reasonable expenses when engaged in the performance of his duties. His success in the collection of debts reported bad and doubtful, as well as the management of the general trust committed to him, should encourage us to hope much for the future, and incline us to great liberality in adjusting his compensation.

The increased amount of labor proposed to be devolved upon the comptroller will make it proper to increase his salary, and indispensable to appropriate a sufficient sum for the employment of

machinery in the way of clerks, to enable him to discharge his duties. The sum that may be required for clerk hire will depend to some extent upon the adoption of the recommendation I have made in respect to banks. Should stock banks be incorporated, or free banking be tolerated, the requisition upon them will more than reimburse the charges they will impose upon the State treasury; and the additional expenses for other causes will be more than compensated by the increased safety and method which the modifications suggested will introduce into the department, and the assistance they will afford to legislation. The reports of the comptroller will furnish important financial and statistical information, of which the legislature should be in possession, will tend to diminish the expenses of the government, by shortening its sessions, and thus indirectly return to the treasury more than an equivalent for the increased expenses of the department.

It is needless to particularise the popular objections to the revenue act of the last session; the General Assembly seem to be sufficiently impressed with them. The people do not complain that they are taxed beyond the exigences of the State, nor have they manifested an indisposition to submit. Under these circumstances, conceding that the amount of tax collected is more than sufficient to pay the amount of interest upon our debts and the current expenses of government, would it not be impolitic to attempt to reduce the taxes so as merely to raise a sum sufficient to meet these objects? The people have the right to insist that a law which imposes a burthen upon them shall operate equally on all—be simple and intelligible in its details and cheap in its execution; but in the present instance, if they are willing to bear the burthen, we should allow it to continue without increase or diminution. So long as we shall collect and apply an annual sinking fund to the reduction of our debt, the people will cheerfully submit to taxation, encouraged by the hope that it will not be a perpetual charge upon themselves and their children; but must sooner or later be extinguished. The effect of a ceaseless gradual reduction will be to elevate our character abroad, to inspirit us with renewed hope and energy at home, and advance us in the career of prosperity. Let this then be our policy, to fix a limit to the period of our indebtedness, rather than perpetuate it—let it be paid by the present generation, instead of allowing it to remain an incubus upon the enterprise of ourselves and those who are to come after us. Remember the older the debt becomes, the less sensitive will we be to the force of the obligation to pay it; especially when it shall be demanded of those who had no agency in creating it.

MINERAL RESOURCES AND INTERNAL IMPROVEMENTS.

The partial geological explorations which have been made by

scientific men leave it no longer doubtful that this State is one of the richest in mineral resources in the Union. Her fields of *bituminous* coal, of which we have, until recently, known or inquired but little, it is believed, are quite equal in extent to those of any other State—her beds of iron ore are found in great abundance from the falls of the Black Warrior to the Tallapoosa, on the east, dipping even south of this line, and developing themselves in abundance at many points north, almost, if not quite, to the northern line of the State. Marble, in exhaustless quantities, handsomely variegated, and susceptible of quite as high a finish as any yet discovered in the United States, unless it be in one of the farthest States of the north-east, is seen in localities contiguous to the coal and the iron. Besides, there are many other minerals of much value, with a great number of geological productions of essential importance in architecture, the arts and manufactures, and for domestic purposes generally.

These resources have not been sufficiently developed to make them a source of much wealth, but they are attracting from year to year an increased amount of enterprise and capital, and the day cannot be far distant when the income derived from the coal, iron, marble and lime, will, in several districts, surpass that realised from the *great staple*. This state of things is much to be desired, as it will indicate that the employment of capital is diversified in its objects—while at the same time it will give an impulse to agriculture and cause industry in its various pursuits to be better compensated.

The report of professor Tuomey, the State geologist, will shortly be laid before you; from which it will be seen that considerable progress has been made in the survey of the State. The outlines of its great geological features have been traced, to be filled up and completed by future explorations. The value of having the geological character of a country even thus generally settled, can be known to those only who are aware of the vast amount of time and labor lost in search of minerals where geological structure precludes the possibility of their being found.

The extent of the productive coal formation of the State has been defined, the thickness of the beds, and the facilities they afford for mining, pointed out. The true relations and value of the extensive deposits of iron ore have been settled, and others have been added to those already known; so that instead of vague reports on these subjects of national importance, we have now definite and reliable information, to which capitalists and others interested in the resources of the State may refer.

Although professor Tuomey holds his office by appointment of the legislature, the expenses of the survey have hitherto been defrayed by the University. The trustees have shown their

interest in the progress of the State, as well as their discrimination in connecting its survey with the duties of the professor of geology in that institution; for in no other way at an expense so inconsiderable, could so much be accomplished in developing the resources of the State. Besides the obvious advantages derived from his position and daily avocation, he has connected with his proper department a laboratory, fitted up expressly with a view to the necessary investigations.

The report affords the means of a highly gratifying comparison with what has been done elsewhere in a similar period, under more expensive systems; yet, should the progress of the work, prosecuted gradually, as it has been, be deemed too slow for the spirit of the times, it will be very easy for the General Assembly to quicken the diligence of the professor, by furnishing pecuniary aid for the enterprise. If it is believed the people will approve such an appropriation, I take leave to suggest, that the money could not be applied so economically, usefully and efficiently, as under the supervision of the State geologist, and in accordance with the general plan already in a course of execution. As the benefits accrue directly, not to the University, but to the whole people, the actual expenses of this survey on any scale, seem to belong appropriately to the treasury of the State.

If the public mind demands the results of such an investigation to be more expeditiously developed and thrown abroad, I recommend, that the appropriation for this object be placed under the control of the State geologist, exclusively; to be accounted for, of course, as other disbursements made by public authority. One thousand dollars a year, for a few years, under his judicious and careful management, might do much; and would better enable the discerning tax-payer to appreciate the value in an economical point of view, of those scientific researches on which some of the more politic and calculating States of the confederacy have already expended above a hundred thousand dollars; and even at this cost, have been compensated by an ample equivalent.

Intimately connected with the natural resources of the State is the subject of internal improvements. These have recently received an increased impulse, and if we may judge from the large and spirited meetings of intelligent citizens, holden within the last three months, there is much ground to hope that we shall soon have a beginning made through central Alabama, which will, at least, rival the magnificent projection now in progress, spanning from Mobile bay to the Ohio. Enterprise, properly directed, would soon complete both. The wealth of the State is ample; all that is necessary is for every one interested to encourage them—economise labor, employ money and industry, without

expending time or zeal in an idle waste of words. The completion of these works would add incalculably to the growth and wealth of Mobile. The healthfulness and accessibility of the country in the vicinity and interior of the State, would make it a place of active and varied business at all seasons of the year. The State, obtaining an outlet for her hitherto unproductive mineral resources and greatly increased agricultural products, would equal in wealth and industry any of her sisters of the south-west.

A rail road extending from some point on the waters of the Mobile bay, accessible at all seasons by steamers, and terminating on the Tennessee river, in the north-eastern part of the State, would join together in closer union and harmony these detached sections—make each promotive of the prosperity of the other, and open not only an extensive trade between them, but between Middle and East Tennessee, Western Virginia, Western North Carolina, North-western Georgia, and South Alabama. Such a communication would not only be convenient and beneficial to the States mentioned and our people of the interior, but the effect would be immediately to add greatly to the imports of Mobile, and quite as much to its export trade.

It is deeply to be regretted that our finances are hypothecated for years to come, so that no part of the revenue can be devoted in aid of the great undertakings referred to. The entire *two per cent. fund* should, however, be appropriated to the latter, and at least a just proportion of the *three per cent.*, in such form as may best comport with the terms of the grant under which the State holds them, and as the interest of the people or public opinion may require.

As both the enterprises are works of national importance, if this were the recognised test of constitutional power, we might with propriety appeal to Congress to assist them. In construing the federal constitution, I am, however, no latitudinarian, but deny, in advance, the power of Congress to make improvements in the States, with or without their consent, unless a constitutional warrant can be found for the act. I would go even farther, and maintain, that the power of that body to appropriate the public treasure is restricted, and can only be exercised where it is *expressly* authorised by the constitution or its exercise is proper to give effect to some *expressly* delegated power; that it is not enough to show the appropriation will advance the *general welfare*. But I frankly confess that there are some great names against the stringent rule I lay down on the latter point. I so understand Mr. Hamilton in his report on manufactures in 1791, and Mr. Monroe, in his celebrated exposition in 1822. - General Jackson, in his veto message in 1830, upon the bill authorising a subscription to stock in the Maysville turnpike company, perhaps

does not controvert the unlimited power to appropriate money. He, however, placed his refusal to approve the bill upon the ground that the road to which the subscription was proposed was not a national object.

If it is asked how the aid of Congress can be invoked, having thus limited its powers, I answer, let the legislature address to it a memorial, praying the grant to the State of a portion of the public lands lying near the lines where these and other plank or rail roads of great public benefit are located, (or which will be enhanced in value by them,)—the State stipulating to recognise the rights of pre-emption, if required, and to sell the lands at the highest price they will command in cash, and apply the proceeds to the objects contemplated by the grant. I would not rest the application upon the principle that Congress has unlimited authority to dispose of the public lands, or that they can be legally appropriated to an object for which we might not legally appropriate money. It is not necessary that we should consider this question or inquire whether, in point of moral justice, the new States have not claims upon the federal government to exercise its constitutional powers with great liberality to advance their settlement and prosperity. In the greater number of these States, it is true a large portion of the lands are still public property—in Alabama more than half; the greater portion of which has been in market twenty-five or thirty years, yielding no revenue to the State. It is not probable that a great quantity of this land will find a purchaser in the next twenty years, unless the facilities of intercommunication shall be improved, so as to authorise the cultivation and improvement of the poorest soils instead of going farther west.

The case then is this: the United States own lands which are unsaleable and likely to remain so under present circumstances, through or near which it is proposed to locate plank and rail roads which will be beneficial to this State, as well as in a national point of view. We say to Congress, that if a certain portion of this land is granted to us, the proceeds shall be applied and the roads made; Congress, with a view to create an immediate demand for the remainder of the contiguous lands, makes the grant. Although the grant may be beneficial to the State and the people, the United States receives an equivalent in the creation of a demand for its otherwise valueless lands; and the transaction, though consummated by an act of legislation, perhaps combines all the legal constituents of a contract—a contract entirely within the competency of Congress. In all this there is not the slightest invasion of State sovereignty. The objection that is made to internal improvements by the sanction of the federal legislature cannot arise, because there is nothing in the facts of which to predicate it;

and the question as to the authority of Congress to grant the public lands without limitation as to object, does not apply.

In connection with this subject, I recommend to the General Assembly to appoint a State engineer, with a salary, to be paid from the three per cent. fund, whose duty it shall be, under the direction of a board of advisement, composed of the attorney general, secretary of State, comptroller and treasurer, (unless a board of internal improvement shall be established,) to survey the improvements contemplated in this State, either in the making of roads or the navigation of our rivers. The board, governed by the character of the improvement and the readiness of those interested to commence it, would direct the order in which the surveys shall be made.

Had such an officer been appointed fifteen years ago, with even an extravagant salary, we should not have wasted the large sums which were appropriated to the Coosa, Tombigbee, Black Warrior, and other rivers. These appropriations, amounting to largely more than a hundred thousand dollars, have, so far as I am informed, (with the exception of a small balance which has been expended above the falls of the Black Warrior within the last two years,) been not only profitlessly applied, but in many instances obstructions have been created, which it requires labor and money to remove. Thus manifesting how important in such cases is the direction of professional science.

The opinion prevails extensively that plank roads are quite as well adapted to our wants as any other mode of intercommunication, and being less costly, may be made in those parts of the State where they are most needed, by the association of individual enterprise and capital. In New York (and perhaps some other States,) a general plank road law has been enacted. I respectfully recommend, with the view of encouraging such improvements, that a similar act be passed by the General Assembly, prescribing the manner in which such corporations may be formed, their powers, &c., so as to render it unnecessary to apply to the legislature for a specific charter. This enactment would prevent delay, by permitting individuals to associate and commence work whenever they were prepared for it.

THE REVISAL AND CODIFICATION OF THE LAWS.

The constitution of this State directs, that within six years after its adoption, "the body of our laws, civil and criminal, shall be revised, digested and arranged under appropriate heads and promulgated in such manner as the General Assembly may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years." Under an act of December, 1841, a digester was appointed "to compile under appropriate heads all the statute laws of a public and general nature now

(then) in force ;” at the succeeding session of the legislature, the compilation was presented, adopted, ordered to be printed and distributed. It is true, that ten years from the appointment of the last digester will not have elapsed until December, 1851, but if a revisal is not provided for before that time, the work cannot be received until two years afterwards, as the General Assembly sits biennially. This would delay it one year beyond the ten years, and if provision is now made, the work will be forthcoming one year previous to the expiration of that time. There can be no hesitation as to the proper course to pursue under the circumstances. The injunction of the constitution is imperative—we may anticipate, but we cannot delay obedience to its mandate.

Assuming that in this conclusion I shall have the concurrence of the General Assembly, I recommend the appointment of two gentlemen of the legal profession, not only to arrange the laws under their appropriate heads, but to revise them thoroughly, reform their phraseology where it is proper to do so, omit such as have been repealed—complete all defective titles, by adding to or subtracting from them. In short, let them present to the General Assembly a body of laws, perspicuous, concise and comprehensive in style, with an arrangement so simple and natural as to be easy of consultation—a code adapted to all classes and conditions of our people as near as may be. At the foot of each page the decisions of the supreme court which are pertinent or tend to explicate the enactments in the text should be noted.

The qualifications necessary to the accomplishment of this interesting task are much professional learning—untiring industry, with a style combining the constituents I have mentioned—besides a general acquaintance with the legislation of Great Britain and the States of the American Union. Unless these attainments are secured, the work may fall far short of meeting the wants of the public. My acquaintance with the professional talent of this State, enables me to say that we have gentlemen among us who are altogether competent to the high and responsible duties I have enumerated.

A digest or compilation (as it is indiscriminately designated,) of our statute law would not remove the evil complained of. The universal objection of lawyers, and those who are engaged in the administration of justice, is not so much that our previous compilations want method and order ; but it reaches to the unsuitable and almost inexplicable terms in which many of the statutes are expressed—the inexpediency of some of the enactments, and to the incompleteness of almost every leading title. These defects have been a fruitful source of litigation, and have imposed upon the judiciary an amount of perplexing labor, of which those only who are familiar with the proceeding of our courts of justice can.

form a proper conception. The supreme court have toiled much in the construction of statutes which the omission, addition or substitution of a few words would render free from ambiguity. In endeavoring to supply the defectiveness of particular heads, it has been compelled to resort to analogies not at all times as pertinent as could be desired; but generally the most opposite that our jurisprudence afforded. It is among the unpleasant duties of a conscientious judge to be compelled to follow a path so indistinctly marked, and with all the patience he can summons, he is inclined to rebuke the legislature for the want of carefulness and precision.

The judge not only suffers by the additional labor imposed upon him, but the people are often involved in litigation by the obscure and doubtful terms in which the laws are conceived, and all the pecuniary loss resulting is borne by them. If any one doubts the truth of this remark, he has only to observe what is passing around him, or consult our reported decisions—he will then learn that unwise or ambiguous legislation is alike prolific of litigation. It is due to the people, for whom government is intended and who are burthened to support it, that our laws should be made as perfect as possible, and that they should be relieved from the consequences of uncertain and general legislation. In providing a remedy against such a state of things, we should be cautious to select that which promises to be most effectual without being deterred from its adoption by false notions of economy. The taxes levied upon the people should be expended for their benefit, and no expenditure could be productive of greater good than that which would save them and their estates from law suits. They would appreciate and sanction such an appropriation, and regard the work it was intended to produce as more than an equivalent for the same amount of taxes.

I have proposed the election of two lawyers to codify our laws, because I am quite sure their joint consultation and learning would give us a much more perfect production than either of them could prepare separately. They would suggest to each other many matters of importance that would escape the attention of either, if left unaided, and they would convince each other of the impropriety of inserting much, which either, without consultation, would deem it important to retain. Upon points of disagreement, their professional brethren could aid them with advice, and render valuable service by directing their attention to matters that might otherwise escape notice. If the code is as complete as it should be, it will give employment to the revisers for two years, allowing but little time to attend to professional business. When it shall have been examined and adopted, it will shorten the sessions of the legislature, so as to refund the

cost of its preparation and publication in the diminished expenses even of the succeeding session.

Many defects in our laws have suggested themselves to me, others have been brought to my notice. Some of these are, perhaps, of sufficient importance specially to invite the attention of the General Assembly to them. But supposing that a revisal will be provided for in some mode, I deem it quite as well to leave these defects to be corrected by the revisers, except so far as they may be connected with other topics which I have noticed.

THE JUDICIARY.

I need not premise that this department is not less important than either of the other co-ordinate branches of government. The best system of laws which wisdom can devise will be comparatively inefficient for good unless they are promptly and correctly administered. Our duty is but half performed when we have legislated for the protection of individual rights and the public security; the further duty devolves upon us to provide the appropriate tribunals of justice, by which, under the direction of enlightened magistrates, the power and efficiency of the laws may be maintained. Assuming these as truisms which no one will controvert, I proceed very briefly to point out some of the most obvious objections to our courts of judicature as at present organised and to suggest such changes as under the circumstances are deemed proper.

In respect to the county court it may be well questioned whether what is known as its common law jurisdiction is not too extensive. It must be remembered that the judges of perhaps a majority of these courts are selected with reference to their integrity of character and sound judgment, rather than their professional qualifications; and it is no disparagement of such persons to say of them that they are not prepared to decide understandingly many of the perplexing legal questions which are presented. The law is an exceedingly abstruse and comprehensive science, which it requires many years of industrious toil to master; lawyers who have thus devoted themselves to their profession will not, with a view to profit, in many of the counties, consent to accept the judgeship to the interruption of a regular practice. Should we not then graduate the jurisdiction of these courts by the probable qualifications of the judges?

It is certainly the interest of suitors that justice should be administered to them in the court which first takes jurisdiction, that each may obtain what he is entitled to, litigation cease and costs be as little oppressive as possible. To effect this result it is important that the judge should be qualified for the exercise of the jurisdiction conferred upon him; if he is not, his decisions must be uncertain and vacillating, often making it necessary to

seek their correction in a higher tribunal. The necessity of appealing is not the only evil resulting from the trial of causes by incompetent judges, but it is often difficult to have the case so stated upon the record as to authorise the revising court to admeasure complete justice even in very plain cases. This difficulty is well understood by professional gentlemen, and the effect of it upon the rights of suitors has been remarked upon by judges of appellate courts, who are often compelled to look upon error and injustice without being authorised, according to the established rules of procedure, to correct it. It proceeds from different causes—the most usual of which are, pride of opinion, an apprehension of being overreached by counsel and a failure to recollect the points decided in the progress of the trial, because the judge had no correct conception of the case.

The county court is certainly one of the most important judicatories known to our law—it is a tribunal in which the people are perhaps more generally interested than any other ; and should, if possible, be so constituted as to answer the purpose of its creation.

The estates of deceased persons are to be administered under the sanction of its orders and decrees—the rights of creditors, legatees and distributees, are to be adjusted in the exercise of its jurisdiction as a court of probate or ordinary. So that all of us who expect to leave estates of our own, or while living to succeed to those of others, are concerned to maintain its dignity and respectability.

Sitting as an Orphans' Court, the powers of the judge of the county court are limited so that it is necessary sometimes to call in the aid of the chancellor to administer complete justice ; yet he is often required to decide most difficult and perplexing questions, involving interests of great value, depending upon the interpretation of statutes incomplete and inexplicit, and upon the most controverted points in ecclesiastical, equity, or common law jurisprudence. The jurisdiction of the orphans' court should not, however, be diminished, but should rather be increased and simplified by legislation, so as to render a court of chancery rarely, if ever, necessary in the adjustment of the estates of deceased persons, and the law made so explicit as to leave little room for misapprehension. I should not, however, advise the General Assembly at its present session to attempt the task of perfecting our statutes upon this head, but think it best to leave it to the revisers, whose appointment I have recommended, to suggest such modifications as they deem most advisable.

The common law jurisdiction of the county court should be entirely taken away, or at least restricted so as to inhibit the institution of suits in that court for any cause in which *debt or inde-*

bitatus assumpsit is not the appropriate form of action. Although I am generally opposed to partial legislation, I think those counties in which the business of the county court will be sufficient to command the services of a lawyer for the bench should be excepted from this restriction.

Previous to the act of the 18th February, 1848, "prescribing and regulating the fees of the judges and clerks of the county courts of this State," it was perhaps difficult to determine the fees to which these officers were entitled in all cases; in many instances it is said by those who are competent to determine, that fees were exacted or extorted without the sanction of law. In attempting to limit and define them, it seems to be generally conceded that the Legislature, by the act referred to, retrenched so much that the office of judge yields a very inadequate compensation in any of the counties; and in many of them it is retained in the hope that the Legislature will proportion the fees to the services rendered. I invite the attention of the General Assembly to a reconsideration of this subject, conscious that it is the interest of the people that the officers referred to should receive a just and certain compensation, and confident that they will approve such modification of the law. It is respectfully suggested that the interest of individuals or the people would not suffer by relieving the judge from the duty of attending at his office daily. My experience inclines me to think it quite sufficient to require his attendance on some certain day in the week or some longer period, provided all the business before him shall be promptly disposed of.

These general remarks in respect to the county courts, apply with more or less force to all courts of primary jurisdiction; especially such as proceed according to the course of the common law.

It is believed to be important that the circuit court should be elevated, not only in the estimation of the legal profession, but of the public, and that the best, if not the only means of effecting this object, is to reduce the number of judges, impose on them a larger amount of labor, and pay to them better salaries. Seven circuits are quite enough, and that number of judges may dispose of all the business of these courts. If this reduction was made the salaries for the two judges and solicitors whose circuits were abolished, should be distributed among the other judges. I certainly would not disparage the present incumbents of the circuit court bench—they all have my profound respect; but I am sure that in public opinion a respectable salary imparts no small amount of importance and dignity to an office; and the consciousness that a judicial office is appreciated by the public, stimulates the incumbent to increased effort in the performance of his duties. The same man with a salary of two thousand dollars, would ordi-

narily, soon make a better judge, and his decisions on the circuit command a higher respect than with a salary three-fourths that sum. Besides, the increased amount of labor would not be very great, and would serve, by the more frequent presentation of legal questions, to quicken and invigorate the mind, to imbue it with principles and cases, and more eminently qualify the judge for his important functions.

If this change will have the effect supposed, the decisions on the circuit, will be more generally acquiesced in, because of the increased dignity of the bench and the improvement of the judges; consequently, appeals and writs of error will be less frequent—justice more promptly administered, and at less cost. These are not only my own views, but they have the concurrence of many enlightened and patriotic persons who have bestowed much thought in endeavoring to cheapen and expedite litigation. The modification, I believe, would be beneficial to the people, without requiring an additional expenditure from the treasury; and I am therefore constrained to recommend it. If the recommendation be concurred in by the General Assembly, it will be necessary, before it can be adopted, to amend the constitution, so as to permit more than six counties to be embraced in a circuit.

Observation and inquiry have convinced me that the organization of our chancery courts is exceedingly defective. The complaint is very general that these courts proceed too tardily; and indeed it must be so, until the system is materially modified. Only one term a year is holden in a great majority of the chancery districts, and it would be difficult to find three lawyers of sufficient learning, who would consent to hold semi-annual terms in each district for the salaries now paid. Such a requisition would make too heavy a draft upon their time, and their practice would yield a much greater return for the same amount of labor. The demands upon our treasury are such as to forbid an increase of expenditure for these courts, unless it be impossible otherwise to remodel them, so as to make them meet the wants of the public. I cannot perceive any insurmountable obstacle to such a modification. The profession generally, and the people, are favorable to the jurisprudence of chancery, because it has been so long a part of our system—they believe it be more correctly and promptly administered under a distinct organization, than by uniting the jurisdiction of law and equity in the circuit court as heretofore; conceding that this be allowable by the constitution. Besides, if the number of circuits shall be reduced, the judges will not have leisure to hear chancery causes.

To impart to the court of chancery the necessary efficiency and to remove all just ground of complaint, every part of the State should have the benefit of semi-annual terms—the court should be considered as always open, and the practice should be made as simple as possible. The first of these objects can be effected

without additional charge, by dividing the State into ten, or at most, twelve districts, and requiring a court to be holden semi-annually in each. To relieve suitors who may not reside in the county in which the court is holden, as well as others, from inconvenience or expense, it should be provided that chancellors may render decrees in vacation in causes submitted by counsel, or in which there is no controversy upon the law or the facts; that the court shall be considered as always open to entertain applications for rehearing, or for leave to file bills of review, to dissolve or reinstate injunctions, and to perform such other judicial acts as it is allowable for a chancellor to do according to the practice of the English chancery, or as the chancellors themselves may prescribe, by rules to be approved by the judges of the supreme court. It should also be provided that it shall not be necessary to obtain a commission to take testimony previous to the examination of a witness; but upon due notice being given that interrogatories are filed, or of the time when the witness will be examined, the judge of the county court of the county in which the examination is to take place, or the register (if the deposition is to be taken in his county,) or such other person as the parties may agree upon, shall be competent to take and certify the testimony. A certain time should be prescribed, within which a party may appeal from an order or decree rendered in term time, or vacation; and the chancellor should be authorised, in his discretion, to extend the time. Parties should also be permitted to execute appeal, writ of error, and other bonds, in a chancery cause, before a judge of the county court, or clerk of the circuit court, and upon the certificate of either of these officers, of the execution of the bond, and that the sureties are sufficient, the bond should be received. These changes in the law, it is believed, would relieve the district system from all objection upon the ground of inconvenience; if they would not, the chancellors could, from time to time, adopt rules to effect such a result.

If the General Assembly shall concur in substituting districts with semi-annual terms, as I have suggested, two chancellors, if better compensated than they are at present, could perform the entire chancery business of the State. But to invest the office with becoming respectability and dignity and stimulate its incumbents to the attainment and exhibition of more learning and industry, the salary of the third chancellor should be divided between the two who are retained: and it should be provided that the chancellors hereafter elected shall receive the increased compensation.

In regard to these recommendations. I would also remark that they call for no additional appropriation of money. are regarded as important to suitors, and have the approval of many persons

who are greatly interested in the proper arrangement of our chan-
cery courts.

If the recommendations I have made with the view of improving the administration of justice in our courts of primary jurisdiction shall be adopted, I incline to think that the business of the supreme court will be so much reduced that it will be possible for three judges, a few years after the change shall be perfected, to dispose of it. But until the business of that court shall diminish, the causes cannot be decided with the promptitude the public expect and parties demand, without an increase of judicial machinery. I speak advisedly and with no feeling of egotism, when I say the labors of the supreme court for the last seven or eight years have been unsurpassed by any other appellate court in the Union composed of the same number of judges; and still, in spite of all reasonable effort, the business has accumulated.

It would be very well to provide that the supreme court should be considered as always open for the purpose of deciding causes argued or submitted at a previous term, and also for the purpose of disposing of applications for rehearing causes or modifying judgments. The court would, of course, adopt such rules to govern its proceedings in vacation as would prevent injury or inconvenience. The practice of the court has been to adjourn to a day certain, but the provision suggested will render this unnecessary and leave the judges more at liberty to consult their own convenience and the state of the business before them.

The arrangement of our judiciary, even according to the modifications proposed could, in my judgment, be greatly improved; but I deem it better to amend than to repudiate the old system, with which we are familiar, and frame one entirely new. It is certainly safer at present to keep in view the old landmarks as guides than to make radical innovations, unless experience at home or elsewhere has shown the propriety of a departure.

It was provided by an act of the last legislature that the clerk of the supreme court should not make complete records of the transcripts and proceedings in causes decided by that court;—but the fee previously allowed for that service was somewhat modified and directed to be collected and paid into the State treasury. As a substitute for a complete record, the clerk was required at the end of each term of the court to have the record of the causes decided, bound and lettered. To enable the clerk to carry out this latter provision of the act the court adopted a rule requiring the clerks of subordinate courts to make out the transcripts of causes removed to the supreme court upon paper of a size and quality according to a specimen furnished. But it has been found utterly impracticable to induce a compliance with the rule, without delaying causes greatly to the prejudice of suitors. The difficulty might be obviated if all the clerks would unite in ordering paper from the same manufacturer or

seller, and employ accurate copyists. But unless something of the kind is done, the paper used will be apt to differ in quality and size as heretofore, so as to make most unseemly volumes when bound. If nothing better or more economical can be done to preserve the records of the court in bound volumes, and this is deemed important, I suggest whether the clerk should not be required to make up a complete record as heretofore and receive a *reasonable compensation* for the labor of making and comparing it, to be paid for from the State tax on the suits which will pass through his hands in its transit from the sheriffs to the State treasury.

EDUCATION.

Among the paramount objects of government is the promotion of individual happiness by legal and appropriate means. The functions of legislation extend beyond the enactment of laws which evolve the pecuniary wealth of a State; they reach not only to the protection of individual rights, but authorise the adoption of measures for the improvement of society. How can this latter object be better effected than by providing such facilities for the education of the people, as the means of the State will justify. Assistance, moral, physical and intellectual, is a debt which wealth owes to dependence, and which cannot be repudiated, though the obligation may never be felt. The blind, the deaf and dumb, whose minds are susceptible, must be enlightened, that although isolated from many of the enjoyments of life, their powers may be developed, the sentient principle receive food which will take *ennui* from existence and fit them for usefulness. The insane, too, whether bereft of reason from birth, or some supervening cause, are ever addressing a resistless plea to our benevolence and sympathy. Sooner or later, the people through the legislature will embrace all these as objects of parental solicitude and adopt measures to make them as cheerful, rational and happy as Providence will permit. But my purpose is not to write a discourse upon moral duty—it is rather to suggest a plan by which our educational fund may be productive of the largest amount of good.

It must be evident to every one who has troubled himself to think on the subject, that the annual income of the sixteenth section fund should be more effectual in the cause of education. Although the inquiry is continually addressing itself to us, how shall we make this fund subserve a better purpose or instrumental in diffusing a more wide-spread benefit? Without stopping to consider, we at once conclude that as the interest of the respective townships is *several*, the legislature can do nothing more effectual than has been done. A little reflection, I think, will satisfy us of the error of this conclusion. Our plan of common school education, if indeed we have one, is eminently defective, if for no other reason, because it wants a head to direct

its operations—to prescribe the course of instruction—to receive at least once a year reports of the condition of the township schools—the number of scholars, male and female—the amount paid to teachers from the income of the 16th section fund—the contribution of patrons, &c. Such a modification of our system with other corresponding changes, would infuse into the cause of education generally, new life, and in particular, elevate primary schools. The standard of education in these is generally far below the wants of the pupils, and it is a patriotic duty resting upon us with great force to endeavor to raise it higher—this can be accomplished, if we will address ourselves to the work with the earnestness and solicitude we should feel.

No one should be employed as a teacher whose moral character is not unexceptionable, who does not combine amiability with a due degree of sternness, and shall not be found competent, upon a satisfactory examination, to teach orthography, reading, penmanship, arithmetic, English grammar, modern geography and the history of the United States. It would be very desirable if his knowledge extended further, so as to give some general instruction to the male scholars upon agriculture and the mechanic arts, and thus fit them for the practical duties of life. We have all observed the consequences of an early defective education—how difficult it is to put off first impressions—to unlearn that which is a hindrance to the acquisition of knowledge and to becoming a finished scholar. It must be then confessedly important that the teachers of youth should be themselves models, worthy of being imitated and reflected.

There should also be a director of common schools for each county, and three trustees for each township. The latter should provide for the erection and repair of school-houses when necessary—should endeavor to collect a township library by voluntary contributions, until it shall be deemed expedient to appropriate a fund for the purchase of books, should examine or cause to be examined applicants to teach, stipulate their compensation, make settlements with them, &c.

It is not desirable to multiply offices too much, and I therefore suggest that the judges of the county courts in their respective counties should be county directors—they should receive reports from the trustees of the townships, setting forth the names of the teachers employed by them (if more than one,) the amount paid to each, either from township funds or individual patrons, the condition of each township school, the number of male and female scholars, the number of days each scholar has attended school, how often the teacher has been absent and for what cause (if known,) what branches have been taught and the number of scholars in each several branch. These reports should be filed with the clerk of the county court for safe-keeping, and a condensed statement of each made out by the county director,

and embodied in a yearly report to be transmitted to the superintendent of common schools for the State.

In addition to the duties of superintendent already designated, he should make out an annual report, showing the number of schools and scholars in each county, the average number of days the scholars have attended school, the branches in which they were severally instructed; and whatever else might be deemed interesting and proper. He should, also, for the sake of uniformity in the course of instruction, consult the Faculty of the University, and recommend such books to be used in the schools as are deemed best—having a due regard to economy and advancement in knowledge.

A superintendent should be a man of energy, benevolence, education, amiable disposition, and strong common sense, wholly untrammelled by other duties. His powers should all be enlisted in the business—he should be required to devote a certain portion of his time in endeavoring to awaken an interest in popular education.

That the fund may be productive of the most good to those who really need it, I recommend that it be explicitly provided that only those who are pupils of the teachers employed by the township trustees should receive any portion of it. In some of the townships the income of the fund has been distributed among all the schools within them according to the number of the scholars—often making the benefit too inconsiderable to aid the dependent.

I am perfectly aware that the title of the State in the Sixteenth Sections unsold, and the funds produced by those that have been sold, is that of a Trustee for the benefit of the *inhabitants of the respective townships*, and am satisfied that the suggestions I have made propose enactments within the competency of the Legislature. They do not recommend the exercise of greater powers than have been rightfully exercised by most of the new States. To the statutes of these States I take leave to refer the General Assembly.

Connected with the cause of education, I would inform the General Assembly that an Observatory has been erected in connection with our University, which, in addition to other instruments, has been furnished with a *transit circle* and *equatorial telescope*, of a superior order. In using these instruments for all purposes of University education, the Professor of astronomy requires no assistance; but it is desirable that they should be made tributary to the promotion of astronomical science. A connection with the scientific world, through the Observatory, would be honorable to the State, and give to the University increased character at home and abroad. To produce such a result, I propose that the Legislature shall address a memorial to Congress, praying that two lieutenants of the army, or midshipmen of the navy,

of suitable qualifications, may be stationed at the University Observatory. The business of an Observatory requires the constant attention of several observers and calculators. Six, besides the superintendent, are employed in the Observatory at Washington; and twice that number are employed in several of the establishments in Europe.

If Congress shall assent to the request, no appropriation of money will be required by the Legislature; and that it will be assented to cannot be doubted. The following reasons are sufficient to justify it: 1st. The officers stationed at the Observatory would be extensively and thoroughly educated, and trained for the future service of the Government, in a line of employment that is daily becoming more interesting and important. 2d. A regular series of observations at the Alabama Observatory would hold a very close and intimate relation with the survey of the Gulf. 3d. Considering that there is no regular Observatory in the United States but the one at Washington, it is a matter of general importance to the topography of the whole country that one should be established as far to the West and South as the University of Alabama.

THE DESTRUCTION OF THE STATE HOUSE, &c.

The loss of the Capitol by fire, within the last week, occurred under the eyes of the members of the General Assembly, who will doubtless make such provision as the exigency demands, that as little inconvenience as may be shall now or hereafter result to the public interest. There is no data by which the loss of the public property can at present be estimated, but it is believed that but little else was lost besides the greater part of the State library. This, to some extent, may be repaired by the application to Congress and the States for duplicates of books, &c. The public officers will doubtless soon be able to furnish information in regard to their respective offices, which will show whether any, and what legislation is necessary.

CONCLUSION.

In closing this communication, I beg leave to say, that my apology for having drawn it to such a length, is the number and importance of the subjects I have felt it my duty to bring to the attention of the General Assembly. I desired not only to make myself intelligible, but, as the session was far advanced when I came into office, to present the most striking arguments by which each recommendation is sustained, and to furnish an outline in every instance, from which, if it is deemed expedient, a bill may be framed. While I yield to none in a solicitude for the observance of economy, and maintain that good morals require the exercise of an honest judgment in the disbursement of the public treasure, I am sufficiently acquainted with the people to know, that they do not expect us to keep the coffers of State always closed. The great majority are patriotic, and submit to the collection of taxes with the intention, that they shall be so

expended as to produce the greatest good to the greatest number. Those States which are farthest advanced in prosperity have only attained their present condition by vast expenditures, for which they have realised far more than an equivalent. If we would overtake them in the race for human melioration, we must bear in mind that true economy will always justify an appropriation, if the money can be spared from other objects, when more than a full return is immediately made in public benefits. In individual transactions, all we require is an equivalent that suits us better than the money with which we part. Let us be equally cautious in acting for the public.

In every recommendation I have made, which requires an expenditure of money, an ample corresponding benefit will accrue to the people. I have felt greatly trammelled by the enormous demands of our creditors upon the treasury, and nothing but a commanding sense of duty could have induced me to advise an appropriation for any other objects than the payment of pre-existing debts and the ordinary expenses of Government.

HENRY W. COLLIER.

MONTGOMERY, ALA., Dec. 20th, 1849.

On motion of

Mr. Bridges, said message was laid on the table for the present.

Mr. Cooper offered the following resolution, which was, on his motion, postponed until to-morrow :

Resolved, That each member shall occupy the seat occupied by him before the burning of the capitol.

Mr. Foscue offered the following resolution, which was, on motion of

Mr. Cooper, laid on the table :

Resolved, That with the concurrence of the Senate, when the two houses adjourn on Friday next, they adjourn to the 27th inst.

Mr. Perkins offered the following resolutions, which were unanimously adopted :

Resolved, That the judgment, prudence and kindness of the Hon. Woodson Northcutt, the late member of the legislature from the county of Marion, was highly appreciated by this body, and his loss is deeply deplored. By his death his invaluable services are a heavy loss to his State, to his constituency, and to his family.

Resolved, That this body deeply sympathise with his afflicted family in this sad dispensation of Providence, and to them it extends the kindest condolence.

Resolved, That the members of this body wear crape on the left arm for thirty days, as a tribute of respect to the deceased.

Resolved, That a committee of ten members of this body be appointed to make suitable arrangements for the last sad rites of

interment of our deceased fellow member. And the Senate be and is hereby requested to co-operate with this body.

Resolved, That these resolutions be spread on the journal, and a copy thereof be transmitted to the family of the deceased, by the Speaker of this House, with a letter of condolence.

And then the House adjourned until to-morrow morning, 9½ o'clock.

FRIDAY, December 21st, 1849.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Wood, for the relief of Sarah Harris, of Autauga county :

Mr. Gardner, amendatory of an act to alter and amend the charter of the town of Trenton, near the town of Eufaula, in Barbour county, approved December 29th, 1847.

Mr. Goodman, to regulate proof of accounts before justices of the peace :

Mr. Cooper, incorporating the Alabama mining and manufacturing company :

Mr. Watkins, to give the several orphans' courts of this State jurisdiction in cases of dower :

Mr. Coupland, to authorise plaintiffs to prove their accounts and deposite them with justices of the peace for collection :

Mr. Patton, to abolish the Morum precinct, in the county of Lauderdale, and to establish the Ingram's ~~X~~ Road precinct in place thereof :

Mr. N. Davis, to equalise the salaries of solicitors of this State :

Mr. Humphreys, for the relief of Calvin Nesolin, of Madison county :

Mr. Stone, for the relief of T. H. Perry :

Mr. R. H. Smith, making Mrs. Elizabeth Little a free dealer :

Mr. Reynolds, to incorporate the Talladega Baptist Church, in Talladega county :

Said bills were read and ordered to a second reading.

Mr. Hall introduced joint resolutions on the subject of slavery, which were read ; and on motion of

Mr. Hall, one hundred and thirty-three copies ordered to be printed, and the further consideration of the same postponed until the first day of January next, and made the special order for 11, A. M., on said day.

Mr. Cooper introduced joint resolutions providing for the appointment of a State geologist, which were read, and the constitutional rule being suspended, were read the second and third times forthwith, and passed.

Mr. Patton introduced a bill amendatory of an act to incorporate the Florence and Waterloo rail road company, approved

January 15th, 1835, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Humphreys presented the petition of James Clemens, *et al.*, which was referred to the committee on the judiciary.

Mr. McCollum presented the petition of Elbot P. Jones, *et al.*, which was referred to the committee on propositions and grievances.

Mr. M. A. King introduced a bill to incorporate the town of New Market, in the county of Madison, and for other purposes, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on corporations.

Mr. Adams introduced a bill to appropriate the unappropriated half of the two per cent. fund, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on internal improvements, and one hundred and thirty-three copies ordered to be printed for the use of the House.

Mr. Lockwood presented the petition of Joseph Krebs, which was referred to the committee on the State bank and branches.

Mr. Bridges presented the petition of citizens of Wilcox county, which was referred to the committee on the 16th section fund.

Mr. Lea (by leave) offered the following resolution, which was adopted :

Resolved, 'That the committee on the State capitol be and they are hereby instructed to ascertain and state an accurate account of each item of expense consequent on the burning of the capitol, or which should properly constitute a charge against the State, whether the same consists of services, articles, rent, or other things, and whether the same arise from acts of the citizens or city authorities of the city of Montgomery, or otherwise ; and that they report by bill or otherwise, on the subject, at some convenient day before the close of the present session.

The bills from Senate :

For the relief of the heirs of Joseph Billups :

To incorporate the Autauga manufacturing company :

Authorising persons wishing to adopt any child or children, to alter or change their names and to make them capable of inheriting his or her estate :

For the relief of James F. Bludsworth, tax collector of Dale county for 1846 :

To incorporate the Tallapoosa and Coosa rail road company :

To authorise the sale of the estates of deceased persons :

To incorporate the Cahawba river mining and transportation company :

To incorporate the Sydenham medical society of Montgomery:
 To refund a sum of money to Mrs. Goodwin, widow of Wm. Goodwin, deceased, of Pickens county:

To declare the three mile creek, in the county of Mobile, a navigable stream, and for other purposes:

To compensate John W. Lockhart for apprehending and prosecuting to conviction a criminal therein named:

To incorporate the Montgomery and Wetumpka plank road company:

Were severally read and ordered to a second reading.

The joint resolution from the Senate for the benefit of the Cahawba Academy:

Ratifying the proposed amendments to the constitution of the State of Alabama:

Were read and ordered to a second reading:

A bill from the Senate to extend the public debt about to fall due, was read and the constitutional rule being suspended, was read a second time forthwith, and referred to the committee on State bank and branches:

The bill from the Senate for the relief of the heirs of Abram Marshall, deceased, was read and the constitutional rule being suspended, was read second and third times forthwith, and passed:

The House concurred in the amendments of the Senate to the bills from the House:

To incorporate the Alabama and Georgia rail road company:

To authorise James W. Hill, of Madison county, to remove certain property.

The resolution from the Senate proposing to go into the election of a Secretary of State, on Tuesday, 18th inst., was laid on the table, on motion of Mr. Perkins.

The message from the Governor, was taken from the table, and on motion of

Mr. Bridges, five thousand copies thereof ordered to be printed.

Mr. M. A. King moved to reconsider the vote by which the House on yesterday refused to adopt the resolution offered by Mr. Bridges, in relation to an adjournment, which motion was lost. Yeas 32; nays 39.

Those who voted in the affirmative are, Messrs. Speaker, Barrow, Blevins, Bridges, Coleman, Cooper, Crews, Gates, Gazzam, Goldsby, Hatcher, Heflin, Irby, Jemison, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, Perkins, Reynolds, Skelton, R. H. Smith, Storrs, Walker, Williams and Young—32.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Cain, Camp, Coupland, Critcher, Corsbie, N

Davis, Edwards, Foscue, Franks, Gardner, Goodman, Hall, M. Hendricks, A. Holly, W. Holly, Hough, Humphreys, James, McMullen, Murphy, Patton, Pickett, Rather, Rives, Ryan, Simmons, Stone, Swanson, Thorn, Watkins, Watts, Whatley, Wilson, Wood and Wright—39.

Leave of absence was granted to :

Mr. Speaker, for eight days.

Mr. Perkins, until Monday week, and to

Messrs. Wood and Young.

Mr. Murphy offered the following resolution :

Resolved, That when this House adjourns on to-morrow, it will adjourn to meet again on Thursday, 27th inst., at 10, A. M.

Mr. Wilson moved to lay said resolution on the table, which motion was lost. Yeas 36; nays 38.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Cain, Camp, Coupland, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Goodman, M. Hendricks, A. Holly, W. Holly, Hough, James, J. H. King, McMullen, Murphy, Patton, Pickett, Rather, Rives, Ryan, Stone, Swanson, Watkins, Watts, Whatley, Wilson, Wright and Young—36.

Those who voted in the negative are, Messrs. Speaker, Barrow, Blevins, Bridges, Coleman, Cooper, Crews, Foscue, Gardner, Gates, Gazzam, Goldsby, Hall, Hatcher, Heflin, W. Hendrix, Humphreys, Irby, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, Perkins, Reynolds, Skelton, Simmons, R. H. Smith, Storrs, Walker, Williams and Wood—38.

And the resolution was adopted. Yeas 39; nays 35.

Those who voted in the affirmative are, Messrs. Speaker, Barrow, Blevins, Bridges, Cain, Camp, Cooper, Coupland, Crews, Corsbie, Foscue, Gardner, Gates, Gazzam, Goldsby, Goodman, Hall, Hatcher, Humphreys, Irby, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, Perkins, Reynolds, Simmons, R. H. Smith, Storrs, Walker, Williams, Wood and Young—39.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Coleman, Critcher, L. R. Davis, N. Davis, Edwards, Franks, Gunter, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, James, J. H. King, McGuire, McMullen, Murphy, Patton, Pickett, Rather, Rives, Ryan, Skelton, Stone, Swanson, Thorn, Watkins, Watts, Whatley, Wilson and Wright—35.

Mr. Patton offered the following resolution, which was adopted :

Resolved, That the committee on ways and means be instructed to have printed one hundred and thirty-three copies of the revenue bill to be reported by them.

Mr. Jemison offered the following resolution, which was adopted :

Resolved, That no business except such as is of strictly a local, private character shall be transacted by this House until after the first of January next: *Provided*, Nothing herein contained shall prevent the introduction of new business, whether general or local, and the taking action therein to its commitment, or the second reading or the passage of any local or private bill.

The House concurred in the amendment of the Senate appointing a committee of three from each House to procure suitable rooms for the use of the supreme court and for the supreme court library.

Messrs. Watts, R. H. Smith and Stone compose the House committee.

The bill from the Senate to amend the charter of the Montgomery and West Point rail road company was, on motion of

Mr. Watts, taken from the orders of the day and read the second time.

On motion of

Mr. Kennedy, the bill was postponed until 3, P. M., on this day, and made the special order for that hour.

And the House then adjourned until 3, P. M.

AFTERNOON SESSION, December 21, 1849.

The House met pursuant to adjournment.

There being no quorum present,

Mr. Wm. Hendrix moved to adjourn until to-morrow morning, 10 o'clock, which motion was lost. Yeas 9; nays 25.

Those who voted in the affirmative are, Messrs. Corsbie, Hall, W. Hendrix, Lea, Murphy, Watkins, Wood and Young—9.

Those who voted in the negative are, Messrs. Blevins, Camp, Cooper, Coupland, N. Davis, Franks, Gates, Goodman, Heflin, A. Holly, W. Holly, Hough, Kennedy, J. H. King, Ligon, McDonald, McGuire, Quinn, Rives, Swanson, Sowell, Thorn, Watts, Wilson and Wright—25.

A quorum having appeared in the hall, the House resumed the consideration of the special order of the day, it being the bill to amend the charter of the Montgomery and West Point rail road company.

On motion of

Mr. Walker, the bill was referred to a select committee of five, with instructions to report on to-morrow morning at 10 o'clock.

Mr. R. H. Smith offered the following resolution, which was adopted:

Resolved, That the committee on the judiciary be directed to examine section eighty-four of an act entitled an act to provide for the assessment and collection of taxes, approved March 6th, 1848, and that they report their opinion of the construction

thereof, and if it be expedient in the opinion of the committee to pass any law for the more speedy and effective collection of taxes imposed by said section, that they report a bill providing for the same.

And then

The House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 22, 1849.

The Speaker being absent, the House was called to order by the clerk.

Mr. Bridges was called to the chair, and the House proceeded to the election of a Speaker, pro tem.,

Mr. N. Davis alone being in nomination.

Mr. Gardner voted for Mr. Watts.

Mr. Watts voted for Mr. Gardner.

Mr. Nathaniel Davis having received the whole number of votes given, except the above two, (Messrs. Watts and Gardner,) was declared by Mr. Chairman to have been duly and constitutionally elected Speaker pro tem. of this House. He was qualified and entered upon the discharge of the duties of his office.

Leave of absence was granted to Mr. Jones and Mr. Wm. Holly.

Mr. Aldridge, from the committee on accounts, (by leave) reported that the account of Daniel M. George is not properly authenticated; the account of Levi Shackelford is not a State charge; the accounts of Lewis Cunningham and S. H. Skelton are improperly referred.

The report was concurred in, and the accounts withdrawn.

Mr. Aldridge, from the same committee, to whom was referred the account and vouchers of the Secretary of State for the disbursements for the repairs to the capitol and improvements of the capitol grounds, reported:

That the amount of appropriations for said purposes was one thousand dollars, of which sum 832 92-100 dollars has been drawn from the treasury from the order of the governor, and 821 31-100 dollars has been applied under the superintendence of the Secretary of State, leaving 11 62-100 dollars in his hands. Upon examination of the vouchers the committee find the amount paid out faithfully and economically applied according to the terms of the appropriation act.

Mr. Aldridge, from the same committee, reported a bill making appropriations to pay certain claims against the State. Said bill was read and ordered to a second reading.

Mr. Storrs (by leave) offered the following resolution, which was adopted:

Resolved, That His Excellency the Governor and the Senate

be informed of the election of the Hon. N. Davis as Speaker, pro tem., of the House of Representatives.

On motion of

Mr. Watts, the vote by which the House on yesterday adopted the resolution offered by Mr. Jemison suspending all final action on general subjects until the first day of January, was reconsidered.

Mr. Jemison moved to amend the resolution by proviso, as follows :

“ Except on the bill to amend the charter of the Montgomery and West Point rail road company, and

To incorporate the Montgomery and Wetumpka plank road company.”

Mr. R. H. Smith moved to amend the amendment as follows :

“ Provided, that this resolution shall not exclude from consideration any matter appertaining to our federal relations, to which the attention of this House may be invited by executive communication :

Mr. Walker, from the select committee to whom was referred the bill to amend the charter of Montgomery and West Point rail road company, reported the same back :

Message from His Excellency the Governor, by his private secretary, Mr. Harrison :

EXECUTIVE DEPARTMENT, }

MONTGOMERY, December 22, 1849. {

To the Senate and House of Representatives :

I take the earliest opportunity to transmit to the General Assembly, copies of a communication just received from six of the representatives and the only Senator from Alabama, now at Washington. My views upon the delicate subject to which it refers, are well known to you, and need not be here repeated.

The time for decided action has arrived; and I recommend to the General Assembly to announce the *ultimatum* of Alabama, upon the grave question which now convulses the Union. It is due to ourselves as well to the memory of our fathers, that we should take the ground, which self-respect, honor, and constitutional equality demands. Our position once taken, there can be no footsteps backwards.

H. W. COLLIER.

On motion of Mr. Jemison, the message and accompanying documents were laid on the table for the present.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution :

Resolved, That the communication of His Excellency the Governor on the subject of our federal relations, which has just been received, together with the accompanying documents, be referred to a select committee of five to be appointed on the part of

the Senate to act with a like committee to be appointed on the part of the House, whose duty it shall be to take in consideration the subject matter therein referred, and report thereon as early as practicable.

The said resolution was concurred in, and Messrs. James, Bridges, Hall, R. H. Smith, and L. R. Davis, were appointed the committee on the part of the House.

The message and accompanying documents from His Excellency the Governor, were on motion of Mr. James, taken from the table and referred to the joint committee raised under the above resolution from the Senate.

The House then resumed the consideration of the bill to amend the charter of the Montgomery and West Point rail road company.

Mr. Walker moved to amend the bill as follows :

SECTION 6. *Be it further enacted*, That it shall be the duty of said company to make and maintain improvement in the rail road where it passes round the bluff at Fort Decatur, on the Tallapoosa river, by such work in bridging, draining, wharfage and reduction of curvature as shall make said part of said rail road entirely secure for passengers and freight cars passing at an ordinary velocity, and that it shall be the duty of said company to complete said improvement by the 1st of October, 1850.

SEC. 7. *Be it further enacted*, That it shall be the duty of the company to provide by 1st of October, 1850, a sufficient number of cars to effect the transportation in regular order so that delay in shipment of produce or other freight from any depot or landing, shall not exceed one week in case of some unavoidable accident.

SEC. 8. *Be it further enacted*, That it shall be the duty of said company at all times, without unnecessary delay to pay a reasonable and just compensation for all negroes, stock, or other property which they may injure or destroy by their locomotive, or otherwise, the amount of said compensation to be liable to be recovered by suit at common law in the county where the action occurred; process to be served either upon the president or conductor of either the mail or passenger trains.

SEC. 9. *Be it further enacted*, That the superintendent of construction and repairs, and the engineers, firemen, and conductors of mail, passenger, and freight trains in actual service shall be exempt from road duty, provided however, that this exemption shall not extend to laborers and overseers of the same, engaged in ordinary work, bridging, repairing, or keeping up said road, anything in any former act to the contrary notwithstanding.

Pending which question, on motion of

Mr. Kennedy, the House adjourned until this afternoon at 3 o'clock.

AFTERNOON SESSION, December 22, 1849.

The House met pursuant to adjournment.

The bill from the Senate to authorise James L. Sheffield, administrator, to sell land, and for other purposes, was, on motion of Mr. Adams, taken from the message of the Senate and read, and the constitutional rule being suspended, was read second and third time forthwith and passed.

The bill for the relief of Alexander Woods, late tax collector of Benton county, was, on motion of

Mr. Young, taken from the orders of the day and read the second time, and the constitutional rule being suspended, was read third time and passed.

The House resumed the consideration of the bill to amend the charter of Montgomery and West Point rail road company.

The question recurred on the adoption of the amendment proposed by Mr. Walker.

Mr. Pickett moved to lay said amendment on the table.

Mr. Jemison called for a division of the question, which was first put on section numbered 6 of the proposed amendments.

The yeas and nays being demanded and ordered, it was ascertained that there was no quorum present, and after several ineffectual efforts to procure a quorum, the House adjourned.

THURSDAY, December 27th, 1849.

At 10, A. M., Mr. Speaker took the chair.

On calling the roll, the following gentlemen appeared and answered to their names:

Messrs. Speaker, (Davis,) Adams, Aldridge, Austin, Bynum, Cain, Camp, Coleman, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Goodman, Gunter, Heflin, M. Hendricks, W. Hendrix, Hough, Humphreys, Jemison, Lockwood, McCollum, McGuire, Murphy, Patton, Pickett, Rather, Rives, Ryan, R. H. Smith, Thorn, Walker, Watkins, Watts, Wilson and Wright—41.

There being no quorum present, an adjournment was ordered until to-morrow morning, at 10 o'clock.

FRIDAY, December 28th, 1849.

At 10 o'clock, A. M., Mr. Speaker (Davis) took the chair.

The roll being called, the following representatives answered to their names:

Messrs. Speaker. (Davis,) Adams, Aldridge, Ashley, Austin, Benbow, Brasher, Bynum, Camp, Coleman, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Gunter, Hall, Heflin, M. Hendricks, W. Hendrix, Hough, Humphreys, Jemison, Kennedy, J. H. King,

Lockwood, McCollum, McGuire, Murphy, Patton, Pickett, Rather, Rives, Ryan, E. L. Smith, R. H. Smith, Swanson, Thorn, Walker, Watkins, Watts, Wilson and Wright—50.

There being no quorum present,

Mr. Cooper moved to adjourn until to-morrow morning, 10 o'clock.

The yeas and nays being demanded,

Mr. Jamison in the chair, decided that less than a quorum could order the yeas and nays, from which decision Mr. Cooper appealed.

The question, shall the decision of the chair stand as the decision of the members present, was decided in the affirmative.

The question recurred on the motion of Mr. Cooper to adjourn, which motion was lost. Yeas 11; nays 38.

Those who voted in the affirmative are, Messrs. Adams, Cooper, Critcher, Corsbie, Edwards, Jamison, Lockwood, McCollum, Murphy, R. H. Smith and Walker—11.

Those who voted in the negative are, Messrs. Speaker, (Davis,) Aldridge, Ashley, Austin, Benbow, Brasher, Cain, Camp, Coleman, Coupland, A. R. Davis, L. R. Davis, Foscue, Franks, Goldsby, Goodman, Gunter, Hall, Heflin, M. Hendricks, W. Hendrix, Hough, Humphreys, Kennedy, J. H. King, McGuire, Patton, Pickett, Rather, Rives, Ryan, E. L. Smith, Swanson, Thorn, Watkins, Watts, Wilson and Wright—38.

On motion of

Mr. Cooper, the door keeper was instructed to bring in all members of this House, who are in this city and have absented themselves from this House.

After a short absence, the door keeper reported that Messrs. James and Bynum were prevented from attending in the hall by sickness, and that Mr. Kendrick had taken his seat in the hall.

Mr. Cooper moved to adjourn until to-morrow morning, at 10 o'clock, which motion was lost—Yeas 23; nays 26.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Austin, Brasher, Camp, Cooper, Critcher, Corsbie, L. R. Davis, Edwards, Goldsby, Heflin, M. Hendricks, Jamison, Lockwood, McCollum, Murphy, Rather, E. L. Smith, R. H. Smith, Swanson, Walker and Watkins—23.

Those who voted in the negative are Messrs. Speaker, (Davis,) Aldridge, Benbow, Cain, Coleman, Coupland, A. R. Davis, Foscue, Franks, Goodman, Gunter, Hall, Hough, Humphreys, Kendrick, Kennedy, J. H. King, McGuire, Patton, Pickett, Rives, Ryan, Thorn, Watts, Wilson and Wright—26.

And then after some discussion on different points, an adjournment was ordered until to-morrow morning, 10 o'clock.

SATURDAY, December 29th, 1849.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. E. L. Smith.

Mr. R. H. Smith, from the select committee to whom was referred the message of His Excellency the Governor, with the accompanying document, reported joint resolutions, which were, on motion of

Mr. R. H. Smith, recommitted to the same committee.

A message from the Senate, by Mr. Marrast:

Mr. Speaker: The Senate has originated and adopted joint resolutions upon the subject of our federal relations.

Said joint resolutions were read and referred to the select committee above named.

Mr. Hall, from the select committee to whom was referred so much of the governor's message as relates to taking the census, reported "a bill to provide for taking the State census."

Said bill was read and ordered to a second reading.

Mr. Hall introduced a bill to incorporate the bank of _____, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on banks and banking.

Mr. Speaker appointed Mr. Lockwood to fill the vacancy in the committee on banks and banking, occasioned by the death of Mr. Northcut.

Mr. Cooper presented the accounts of Lewis Cunningham, Murphy Douglass and Andrew Poore, which were referred to the committee on propositions and grievances.

Mr. Cooper introduced a bill to more effectually prevent offences against the public morals, which was read and ordered to a second reading.

Mr. Ashley introduced a bill to incorporate the Alabama and Florida rail road company, which was read, and the constitutional rule being suspended, was read the second time and referred to committee on internal improvements.

Mr. Ashley introduced a bill to change the time of holding the winter term of the county court of the county of Conecuh, which was read and ordered to a second reading.

Mr. Fosene presented the petition of James Hart, which was referred to the committee on propositions and grievances.

Mr. Thorn introduced a bill for the relief of H. S. Stephenson, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on propositions and grievances.

Mr. Coupland introduced a bill to reduce the rate of salvage upon flat boats loaded with coal, &c., which was read and ordered to a second reading.

Mr. Patton introduced a bill to incorporate the Lauderdale manufacturing company, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on corporations.

Mr. Creagh introduced a bill to authorise Benjamin Irby to sell real estate therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Lockwood presented the petition of C. D. Brown and H. W. Abbott, which was referred to the committee on propositions and grievances.

Mr. Watts presented the accounts of John Nastil, which was referred to the committee on accounts.

Also, the petition of John S. Powell, which was referred to the committee on propositions and grievances.

Mr. Watts introduced a bill to incorporate the Montgomery south plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. Rather presented the account of N. Lewis, which was referred to the committee on the judiciary.

Mr. Walker introduced a bill to extend the charter of the Montgomery and West Point rail road company, which was read, and on motion of

Mr. Watts, laid on the table. Yeas 45; nays 7.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Benbow, Brasher, Bynum, Cain, Camp, Coleman, Coupland, Creagh, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Gardner, Goodman, Gunter, Heflin, Hough, Humphreys, Jemison, Kendrick, Kennedy, Ligon, Lockwood, McGuire, Murphy, Patton, Pickett, R. H. Smith, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Wilson, Wright—45.

Those who voted in the negative are, Messrs. Hall, W. Hendrix, J. H. King, McCollum, Rather, Ryan, Stone—7.

Mr. Heflin introduced bills:

To amend the laws now in force concerning proceedings in the orphans' courts:

To regulate judicial proceedings at common law.

Said bills were read and ordered to a second reading.

Mr. Edwards presented the accounts of B. T. Pope, which were referred to the committee on accounts.

Mr. McGuire introduced joint resolutions to authorise the sale of certain property therein named, which were read, and the constitutional rule being suspended, were read the second time and referred to the committee on federal relations.

Mr. McGuire introduced a bill to authorise the formation of

limited partnerships, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on the judiciary.

Mr. Murphy introduced resolutions defining the policy of the State of Alabama in regard to our financial condition and to extend improvements, which were, on motion of

Mr. Humphreys, postponed until Wednesday next and made the special order for said day, at 11 o'clock, A. M.

On motion of

Mr. Patton, the House resumed the consideration of the bill to extend the charter of the Montgomery and West Point rail road company.

The question recurred on the adoption of the amendment heretofore offered by Mr. Walker.

Mr. Walker moved to amend the amendment as follows:

SEC. 10. That for any violation of the 16th section of the act approved 15th January, 1834, by charging more than said company are authorised to do, that said company shall pay to the individual or company thus charged five times the amount overcharged, to be recoverable from any court having jurisdiction, and for which suit may be brought in any country least through which said road may pass, by perfecting service on the president, any director of said company or conductor of any train on said road, judgment against said company shall be valid.

Said amendment was lost.

Mr. Kennedy moved to lay on the table the amendments heretofore offered by Mr. Walker.

Mr. Murphy called for a division of the question, which was first taken on the proposed section to be numbered 6 and carried. Yeas 29; nays 22.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Austin, Cain, Camp, Coupland, Corbie, L. R. Davis, Gardner, Goldsby, Gunter, Hall, Heflin, M. Hendricks, Kennedy, Lockwood, McCollum, McGuire, Murphy Patton, Pickett. Rather, Swanson, Thorn, Watkins, Watts, Whatley, Wilson and Wright—29.

Those who voted in the negative are, Messrs. Adams, Aldridge, Benbow, Bynum, Creagh, A. R. Davis, Edwards, Foscue, Franks, Goodman, W. Hendrix, Hough, Humphreys, Jemison, Kendrick, J. H. King, Ligon, Ryan, R. H. Smith Stone and Walker—22.

Section to be numbered 7 was laid on the table. Section to be numbered 8 was laid on the table. Yeas 30; nays 24.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Bynum, Cain, Camp, Critcher, L. R. Davis, Gardner, Goldsby, Gunter, Heflin, James, Kennedy, Lockwood McGuire. Murphy, Patton, Pickett, Rather, Swanson, Thorn, Watkins, Watts, Whatley, Wilson and Wright—30.

Those who voted in the negative are, Messrs. Benbow, Coleman, Cooper, Creagh, A. R. Davis, Edwards, Foscue, Franks, Goodman, Hall, M. Hendricks, W. Hendrix, Hough, Humphreys, Jemison, Kendrick, J. H. King, Ligon, McCollum, Ryan, R. H. Smith, Stone and Walker—24.

Section to be numbered "nine" was laid on the table.

Mr. Jemison moved to amend the bill by way of additional section, as follows:

SEC. —. *And be it further enacted*, That on all sums or amounts of the two per cent. fund received by said company under any act of the General Assembly of this State, said company shall pay to the State of Alabama interest at and after the rate of five per cent. per annum from the date of the receipt of any such portion of the two per cent. fund as aforesaid, which said payment of interest may be, at the option of the company, to be paid in cash or in stock of the company, issued and delivered under the direction of the governor: Provided, That nothing herein contained shall authorise the payment of any interest which may occur after the first five years from the date of the company's bond, under the provisions of an act entitled an act to loan the two per cent. fund to the Montgomery and West Point and the Tennessee and Coosa rail road companies, approved January 23d, 1845, in any thing but money.

Mr. Gardner moved to lay said amendment on the table, which motion prevailed. Yeas 34; nays 21.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Benbow, Brasher, Cooper, Creagh, L. R. Davis, Franks, Gardner, Goldsby, Gunter, Hough, James, Kennedy, J. H. King, Ligon, Lockwood, Murphy, Patton, Pickett, Rather, Ryan, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Wilson and Wright—34.

Those who voted in the negative are, Messrs. Cain, Camp, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, Edwards, Foscue, Goodman, Hall, Heflin, M. Hendricks, W. Hendrix, Humphreys, Jemison, Kendrick, McCollum, McGuire, R. H. Smith and Stone—21.

Mr. Jemison moved further to amend as follows:

SEC. —. That this act nor any part thereof shall take effect until all taxes required and contemplated under section eighty-four of an act entitled an act to provide for the assessment and collection of taxes, approved March 6th, 1848, shall be paid by said company.

Pending which question,

The House adjourned until this afternoon, 3 o'clock.

AFTERNOON SESSION, December 29th, 1849.

The House met pursuant to adjournment.

The question recurred on the adoption of the amendment offered by Mr. Jemison to the bill to amend the charter of the Montgomery and West Point rail road company.

On motion of

Mr. Jemison, the further consideration of the subject was suspended for the present, to enable him to introduce a bill to authorise the comptroller to settle the taxes due by the Montgomery and West Point rail road company.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The question then recurred on the amendment of Mr. Jemison, which was, on motion of

Mr. Cooper, laid on the table.

And the bill from the Senate to amend the charter of the Montgomery and West Point rail road company, the constitutional rule being suspended, was read the third time and passed.

The bill from the Senate to incorporate the Montgomery and Wetumpka plank road company :

And the bill to authorise the treasurer of Jefferson county to pay over certain moneys therein named :

Were taken from the general orders and read the second time, and the constitutional rule being suspended, were severally read the third time and passed.

The bill to authorise Alexander T. Mitchell to erect a mill-dam across Chatooga river, was taken from the general orders, read the second time and referred to the committee on internal improvements.

On motion of

Mr. Watts, the amendment to the rules heretofore offered by Mr. Gates, as follows :

That from and after the passage of this rule, the hours of meeting of this House shall be 9½, A. M., and 2½, P. M., and the hours of adjournment shall be half past one, P. M., and 5, P. M., unless the business of the House is sooner disposed of.

On motion of

Mr. Gunter, the said rule was amended by striking out 2½ and inserting 3; and on motion of

Mr. Kendrick, by striking out 9½ and inserting 10.

Mr. McCollum moved to lay said proposed rule on the table, which motion was lost. Yeas 12; nays 39.

Those who voted in the affirmative are, Messrs. Adams, Coleman, Cooper, Gardner, Gunter, W. Hendrix, Humphreys, James, McCollum, McGuire, Thorn and Wilson—12.

Those who voted in the negative are, Messrs. Speaker, Ald-

ridge, Ashley, Benbow, Brasher, Cain, Camp, Coupland, Creagh, Corsbie, A. R. Davis, L. R. Davis, Edwards, Franks, Foscue, Goodman, Heflin, M. Hendricks, Hough, Jemison, Kendrick, Kennedy, J. H. King, Ligon, Lockwood, Murphy, Neal, Patton, Pickett, Rather, Ryan, R. H. Smith, Stone, Swanson, Walker, Watkins, Watts, Whatley and Wright—39.

Mr. Cooper moved to amend said rule as follows:

Provided, That the House, by a vote of two-thirds, may adjourn before the hour named herein, and by a majority vote, may extend their session beyond the same hours, which was, on motion of

Mr. J. H. King, laid on the table.

Mr. Cooper moved the indefinite postponement of the proposed rule.

Mr. Gardner moved to adjourn until Monday morning, at 10 o'clock, which motion was lost. Yeas 15; nays 34.

Those who voted in the affirmative are, Messrs. Bynum, Cooper, Critcher, Corsbie, Gardner, M. Hendricks, W. Hendrix, Lockwood, McDonald, Murphy, Rather, Ryan, Stone and Wilson—15.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Ashley, Austin, Benbow, Brasher, Cain, Camp, Coleman, Coupland, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Goodman, Heflin, Hough, Humphreys, Jemison, Kendrick, Kennedy, J. H. King, Ligon, McCollum, McGuire, Neal, Patton, Pickett, R. H. Smith, Thorn, Watkins, Watts and Wright—34.

There being no quorum present, Mr. Cooper moved a call of the House, which was ordered.

Mr. Patton moved to adjourn until Monday morning, 10 o'clock, which motion was lost. Yeas 22; nays 29.

Those who voted in the affirmative are, Messrs. Speaker, Austin, Brasher, Bynum, Camp, Creagh, Critcher, Corsbie, Foscue, Franks, Gardner, Heflin, Kendrick, J. H. King, Ligon, Lockwood, McMullen, Murphy, Rather, Stone, Watkins and Wilson—22.

Those who voted in the negative, are Messrs. Aldridge, Ashley, Benbow, Cain, Coleman, Cooper, Coupland, A. R. Davis, L. R. Davis, Edwards, Goodman, M. Hendricks, W. Hendrix, Hough, Humphreys, Jemison, Kennedy, McGuire, McDonald, Neal, Patton, Pickett, Ryan, R. H. Smith, Swanson, Thorn, Watts, Whatley and Wright—29.

Mr. L. R. Davis moved to reconsider the vote just taken. Mr. Speaker (Davis,) decided said motion to be out of order.

From which decision, Mr. Cooper appealed.

And then the House adjourned until Monday morning, at 10 o'clock.

MONDAY, December 31st, 1849.

The House met pursuant to adjournment.

Mr. Speaker Walker resumed the duties of the chair.

Mr. Speaker laid before the House two records of divorce, which were referred to the committee on divorce and alimony.

Mr. Gardner, (by leave,) offered the following resolution :

Resolved, That the door-keeper provide as early as practicable, a stove for the comfort of this House, and that he then remove the pipe rod used for the purpose of warming this room.

Mr. Ryan moved to amend by inserting two stoves, instead of one, which was lost, and the resolution postponed until 12 M. on to-morrow.

Bills were introduced by :

Mr. Gardner, to incorporate the Barbour female college, to be located in Barbour county :

Mr. Whatley, to change the time of holding the circuit court of Benton county :

Mr. Foscue, to amend the road law in Coosa county :

Mr. Kendrick, to change the name of Dealina Horton to that of D. Buckner :

Mr. Ligon, to repeal an act to incorporate the Enon male and female academies in the county of Macon, approved January 17, 1846, and to substitute in lieu thereof the following, to wit :

Mr. Gazzam, to incorporate the Female high school in Mobile :

Mr. Stone, to regulate the fees of Registers in Chancery :

Mr. Benbow, for the relief of Francis M. Ponder, of Pike county :

Mr. Groce, to repeal an act incorporating the town of Talladega :

Said bills were severally read and ordered to a second reading.

Petitions were presented by :

Mr. Creagh, of citizens of Dayton, and referred to the committee on corporations.

Mr. Hendrix, of citizens of Perry county, and referred to the committee on privileges and elections.

Mr. Hill, of Julius A. Martinere, and referred to the committee on propositions and grievances.

Mr. McGuire presented the account of S. H. Skelton, which was referred to the committee on propositions and grievances.

Mr. Jemison introduced a bill to repeal an act published in Clay's Digest, page 133, under the title of banking privileges and foreign bank bills, which was read and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on banks and banking.

On motion of

Mr. Watts, the House resolved itself into a committee of the whole on the message of His Excellency Governor Collier,

Mr. Jemison in the chair. After some time spent in deliberation, the committee rose, and through their chairman reported the following resolutions, which were adopted :

1. *Resolved*, That so much of said message as relates to banks and paper currency and to the Bank of Mobile, be referred to the committee on banks and banking.

2. That so much thereof as relates to the comptroller's office, the public debt and revenue, be referred to the committee on ways and means.

3. That so much as relates to the mineral resources and internal improvements be referred to the committee on internal improvements.

4. That so much as relates to the revisal and codification of the laws be referred to a select committee heretofore raised on that subject.

5. That so much as relates to education be referred to the committee on education.

6. That so much as relates to the sixteenth sections be referred to the committee on sixteenth section fund.

7. That so much as relates to an observatory be referred to the committee on the university.

The question then recurred on the motion made by

Mr. Jones, on the 13th inst., to print 133 copies of the substitute reported by the committee on the judiciary to various bills regulating the fees of judges and clerks of the several county courts.

Which motion prevailed, and the further consideration of the bill was postponed until the first Monday in January, and made the special order for 11 o'clock, A. M., of said day.

The engrossed bills:

To require the annual publication of the condition of the treasury of the county of Pickens:

To adjust and settle the debt due from the county of Coffee to that of Dale:

For the relief of Parker Gay, a minor:

To attach regiment 81st to the 18th brigade, and for other purposes:

To establish an additional beat in the 88th regiment, in the county of Jefferson:

For the relief of Nancy Wilson, of Pickens county:

For the relief of Joseph H. Hinton, executor of Wm. Hinton, late of Greene county:

To provide a set of weights and measures for the counties of Coffee and Choctaw:

To reduce the fees of the clerks of county and circuit courts of the county of Covington :

To confirm a certain deed therein named. And

The bills from the Senate :

To incorporate the Prattville engine company :

To prevent the commissioners' court of the county of Lauderdale, from levying a higher tax than 50 per cent. on the State tax :

Were severally read the third time and passed.

The House concurred in the amendment of the Senate to the bill to divide the county of Sumter into commissioner's districts :

The engrossed bill to establish an election precinct at the town of Chickasaw, in the county of Franklin, was read the third time and referred to the committee on privileges and elections.

The engrossed bill to provide for completing the records of the clerk's office of the circuit court of Tallapoosa county, was read the third time, and on motion of Mr. Simmons, laid on the table.

The engrossed bill for the relief of Mrs. Harriet Peters and Mrs. Mary C. R. Benbow, of Montgomery county, was read the third time.

Mr. Foscue moved to amend the bill by engrossed ryder, as follows :

And be it further enacted, That the provisions of this act be extended to Mrs. Mary Cabiness, wife of John W. Cabiness, of Coosa county.

Said ryder was read three times and passed.

Mr. Kennedy moved to amend the bill by engrossed ryder, as follows :

And be it further enacted, That the provisions of this act be extended to Mrs. Eliza Oslin, of Chambers county. Said ryder was read the third time and adopted.

Mr. Whatley moved to amend the bill by engrossed ryder, as follows :

And be it further enacted, That the provisions of this act be extended to Mrs. Nancy Wood, of Benton county. Said ryder was read, and the House refused to order it to a second reading.

Mr. Coupland moved to lay the bill on the table, which motion was lost. Yeas 30; nays 48.

Those who voted in the affirmative are, Messrs. Aldridge, Bynum, Cain, Coleman, Coupland, Creagh, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Goodman, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, Jones, J. H. King, M. A. King, McLeod, Neal, Perkins, Perryman, Quinn, Reese, Thorn, Whatley, Williams and Wilson—30.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Benbow, Blevins, Brasher, Bridges, Camp, Chisolm, Cooper, Critcher, L. R. Davis, Foscue, Franks, Gardner, Gazzam,

Goldsby, Groce, Gunter, Hall, Hardwick, Hough, Humphreys, James, Jemison, Kendrick, Kennedy, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, Murphy, Patton, Pickett, Rather, Rives, Ryan, Simmons, Stone, Swanson, Turner, Watkins, Watts, Wood and Wright—48.

Mr. Creagh moved to postpone the bill until the first Monday in January, which motion was lost and the bill passed. Yeas 44; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Austin, Benbow, Boon, Brasher, Camp, Cooper, Critcher, L. R. Davis, Edwards, Foscue, Franks, Gardner, Goldsby, Groce, Gunter, Hall, Hill, Hough, Humphreys, Irby, James, Kendrick, Kennedy, Lea, Ligon, McCall, McCollum, McGuire, Murphy, Patton, Pickett, Rather, Rives, Ryan, Simmons, Stone, Swanson, Turner, Watkins, Watts and Wood—44.

Those who voted in the negative are, Messrs. Aldridge, Blevins, Bridges, Bynum, Cain, Coleman, Coupland, Creagh, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Goodman, Hatcher, Heflin, M. Hendricks, W. Hondrix, A. Holly, Jemison, Jones, J. H. King, M. A. King, Lockwood, McDonald, McLeod, Neal, Perkins, Perryman, Quinn, Rowe, Thorn, Whatley, Williams, Wilson and Wright—36.

Mr. Watts offered the following resolution:

Resolved, That the resolution heretofore adopted by which this House is prevented from considering any other than local business until after the first day of January, be and the same is hereby rescinded.

A point of order having arisen,

Mr. Jemison, in the chair, decided that the resolution proposed to be rescinded is a rule of this House, and that any proposition to alter, modify or rescind said rule must lie over one day, from which decision

Mr. J. H. King appealed. The question, shall the decision of the chair stand as the decision of the House, was decided affirmatively.

The bills:

To provide for paying grand and petit jurors in the county of Henry:

To authorise the orphans' court of Perry county to take and exercise jurisdiction over the estate of Felix Tarrant, deceased:

To provide for the drawing a jury for the county court of Covington county, and for other purposes:

To authorise Green B. Wolley to practice and charge for his services as a physician:

To incorporate the Pickens Guards:

To repeal an act therein named, approved 4th of February, 1848:

To incorporate the Choctaw male and female seminary :

To increase the pay and mileage of grand and petit jurors in the county of Barbour :

To extend the time of leasing the poor house in Butler county :

To incorporate the stockholders of the Wilcox female institute :

To confer certain powers on the Central Masonic Institute, of Alabama :

To incorporate the town of Orion, in the county of Pike :

For the benefit of the Carrollton female academy :

To legalise a certain marriage therein named :

To repeal in part an act therein named, as to Covington county :

To incorporate the Florence marine and fire insurance company :

To incorporate the Union bridge company :

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

To change the time of holding the county court of Limestone county :

To amend the law as to service of writs :

To amend the law pertaining to dower :

To change the time of holding the chancery court for the 8th district of the southern chancery division of Alabama :

In relation to guardians :

To protect factors and commission merchants :

Were severally read the second time and referred to the committee on the judiciary.

The bills :

For the relief of Mary Martin, of Perry county :

To change the names of Edward Henry, Mary and Janett Varnell, and for other purposes :

To emancipate a certain slave therein named :

Were severally read the second time and referred to the committee on propositions and grievances.

The bills :

For the benefit of the Most Worshipful Grand Lodge of Ancient Free Masons, of Alabama, and of its masonic jurisdiction :

To incorporate the Eufaula and Barbour county mutual insurance company :

Were severally read the second time and referred to the committee on corporations :

The bill to appropriate the furniture of the late Representative Hall, in Tuscaloosa, was read the second time and referred to the committee on the State capitol.

The bill to regulate the attendance upon regimental and battalion musters in the county of Marion, was read the second time and referred to the committee on the military.

The bill to repeal a certain act therein named, was read the second time and referred to the committee on roads, bridges and ferries.

The bill to divorce certain persons therein named, was read the second time and referred to the committee on divorce and alimony.

The bill to repeal an act entitled an act to declare the west prong of the Choctawhatchie river a public highway, approved January 2, 1841, was read the second time and referred to the committee on internal improvements.

The bill to disallow members their per diem pay, in certain cases therein named, was read the second time and referred to the committee on retrenchments.

The bill to provide for the changing certain election precincts therein named, was read the second time and referred to the committee on privileges and elections.

The bill to amend an act entitled an act to establish LaGrange college was read the second time, and the constitutional rule being suspended, was read the third time and passed.

The bill to repeal an act therein named was read the second time, and on motion of

Mr. McCollum, was laid on the table.

Mr. Humphreys introduced the following resolution, which was adopted:

Resolved, That the use of this hall be granted to such gentlemen as may wish to address the General Assembly on the subject of rail roads; this evening, at early candle-light.

Mr. Rather moved to adjourn to 3 o'clock, P. M., which motion was lost. Yeas 24; nays 40.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Camp, Gazzam, Goodman, Heflin, Humphreys, Jemison, Kendrick, Kennedy, J. H. King, Lea, Ligon, McCall, McDonald, O'Neal, Perryman, Quinn, Rather, Rowe, Simmons, Thorn, Turner and Williams—24.

Those who voted in the negative are, Messrs. Benbow, Boon, Bridges, Cain, Chisolm, Coleman, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Groce, Gunter, Hall, M. Hendricks, W. Hendrix, A. Holly, Hough, Lockwood, McCollum, McGuire, McLeod, Murphy, Patton, Pickett, Swanson, Watkins, Watts, Whatley, Wilson, Wood and Wright—40.

And then the House adjourned until to-morrow morning, at 9½ o'clock.

TUESDAY, January 1, 1850.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

The resolution offered by Mr. Watts on yesterday rescinding a certain rule of this House, was taken up and adopted.

Mr. Gardner offered the following resolution, which was unanimously adopted:

Resolved, That the thanks of this body are due and are hereby tendered to E. Harris, mayor of the city of Montgomery, and to Gen. James G. Carroll, for their prompt and energetic exertions in securing from injury the furniture and records of the State on the occasion of the burning of the capitol.

Bills were introduced by:

Mr. Boon, to incorporate the Dale Dragoons:

Mr. A. R. Davis, to establish an election precinct in Greene county:

Mr. Creagh, for the relief of John Talbot, et. al:

Mr. Gunter, to appropriate ten thousand dollars of the three per cent. fund to the Cahawba river:

Mr. Watts, for the relief of Francis M. Barnett, of Montgomery county:

Mr. Stone, to establish an election precinct therein named:

Mr. Reese, constituting James Graham and Felix Hubbard liners, &c.:

Mr. Groce, to amend an act establishing a board of physicians for the town of Talladega:

Mr. Rowe, to appoint a commissioner to execute titles to lots in the town of Dadeville:

Mr. McGuire, to regulate in part the estates of deceased persons:

Mr. Turner, to locate permanently the county site of Washington county:

Said bills were severally read and ordered to a second reading.

The question recurred on the motion of Mr. Jones, on the 14th of December, to print 133 copies of the joint resolution offered by Mr. Blevins on said day, to abolish the white basis, which motion prevailed.

Mr. Speaker (Mr. Jemison in the chair,) introduced a bill to authorise and regulate the business of banking, which was read and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on banks and banking, with instructions to have 133 copies printed for the use of the two houses.

Mr. Patton introduced a bill to incorporate the Florence and Laurenceburg turnpike or plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. Pickett introduced a bill to alter the districts and change the time of holding the chancery courts, and to increase the number of terms in the northern chancery division. Said bill was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the select committee composed of one member from each county named in said bill.

On motion of Mr. Patton, the vote by which the House on yesterday passed the bill from the Senate, "to prevent the commissioners' court of the county of Lauderdale from levying a higher tax than fifty per cent. on the State tax," was reconsidered, and the bill was referred to a select committee composed of the delegation from Lauderdale.

Mr. Walker introduced "a bill to establish a bank in the city of Montgomery, to be called the commercial bank of Alabama, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on banks and banking.

Mr. Ligon introduced a bill for the relief of Thomas B. Jones, of Macon county, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on propositions and grievances.

Mr. Wm. Hendrix introduced a bill to amend an act to incorporate the Perry Guards, approved 31st January, 1846, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the military.

Mr. Stone introduced a bill to define the duties of a certain office therein named, which was read and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

On motion of

Mr. Jemison, the caption of said bill was amended so as to read, "to enlarge the jurisdiction of the intendant of the town of Carrollton."

Mr. Rowe presented the account of Mark Boulware, which was referred to the committee on 16th section fund.

Reports :

Mr. Jones, from the committee on the judiciary, to whom was referred a bill to repeal a certain act therein named, (the woman's law,) reported adversely thereto.

Mr. Jones moved to lay the report and bill on the table.

Mr. N. Davis moved for a division of the question, which was ordered and carried affirmatively on each branch.

Mr. Jones, from the same committee, to whom was referred the bill to explain and amend an act securing to married women their separate estates, and for other purposes, reported the same back with an amendment, which was ordered to be

On motion of Mr. Jemison, the bill was made the special order for a third reading on to-morrow, at 12 M.

Special order for 11 o'clock.

The House proceeded to the consideration of the special order for this hour, it being the bill to regulate judicial proceedings in Alabama.

Mr. Cooper moved to lay said bill on the table, which motion was lost. Yeas 41 ; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Blevins, Brasher, Camp, Cooper, Creagh Crews, A. R. Davis, N. Davis, Foscue, Franks, Gates, Goldsby, Goodman, Gonder, Groce, Hatcher, W. Hendrix, Irby, Jemison, Jones, Kendrick, Lea, Ligon, Lockwood, McDonald, McGuire, Patton, Perkins, Rather, Reynolds, R. H. Smith, Stone, Swanson, Turner, Watkins, Watts, Whatley, Williams and Wilson—41.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Benbow, Boon, Bridges, Cain, Chisolm, Coleman, Coupland, Critcher, Corsbie, L. R. Davis, Gardner, Gazzam, Gunter, Hall, Heflin, A. Holly, W. Holly, Hough, Jones, Kennedy, J. H. King, McCall, McCollum, McMullen, Murphy, Neal, Perryman, Pickett, Quinn, Reese, Rowe, Ryan, Skelton, Simmons, Thorn, Walker, Wood and Wright—44.

Mr. Creagh moved to amend the bill as follows :

And be it further enacted, That any white male adult in the State of Alabama is hereby declared legally competent to practice law in any and all of the courts of this State.

Mr. Gardner moved to amend the amendment by inserting "or medicine" after "law."

On motion of

Mr. J. H. King, the amendment and the amendment to the amendment were laid on the table. Yeas 61 ; nays 26.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Benbow, Boon, Brasher, Bridges, Cain, Chisolm, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gazzam, Goldsby, Groce, Gunter, Hall, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McCall, McCollum, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, Thorn, Walker, Wilson, Wood and Wright—61.

Those who voted in the negative are, Messrs. Blevins, Camp, Cooper, Creagh, Crews, Gates, Goodman, Gonder, W. Hendrix, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McDonald, Perkins, Rather, R. H. Smith, Stone, Swanson, Turner, Watkins, Watts, Whatley and Williams—26.

Mr. Cooper moved to amend the bill as follows: strike out all after the first line in tenth section to the word "demanded" and insert the following: "The form of a declaration for the recovery of real estate and mesne profits shall be as follows:

THE STATE OF ALABAMA, } To the circuit court of said county.
 _____ County. } The petition of A. B. sheweth that C. D., of said county, is in possession of a certain tract of land in said county, [here describe the land to which your petitioner claims titles;] that the said C. D. has received the profits of said lands since the _____ day of _____, 18—, of the yearly value of _____ dollars, and refuses to deliver said land to your petitioner or to pay him the profits thereof; wherefore your petitioner prays process may issue requiring the said C. D. to be and appear at the next circuit court to be held in and for said county, to answer your petitioner's complaint.

That the form of an action for the recovery of personal property shall be as follows, to wit:

THE STATE OF ALABAMA, } To the _____ court of said county.
 _____ County. } The petition of A. B. sheweth that C. D., of said county, is in possession of a certain [here describe the property,] of the value of _____ dollars, to which your petitioner claims titles; that the said C. D. has enjoyed the profits of the same since; that the said _____ is of yearly value of _____ dollars; that the said C. D. refuses to deliver the said _____ to your petitioner, or to pay him the profits thereof; wherefore your petitioner prays process may issue requiring the said C. D. to be at the next court to be held in and for said county, to answer your petitioner's complaint.

That the form of an action to recover money on a note, bill, bond, receipt or written promise of any description, by adding a copy of which, with the endorser's name, if any, and credits shall be appended, and when a suit is on a bond, the breach from which arises the right of action shall be set out plainly, shall be as follows, to wit:

THE STATE OF ALABAMA, } To the _____ court of said county.
 _____ County. } The petition of A. B. sheweth that C. D., of said county, is indebted to him in the sum of _____ dollars, besides interest on a _____, dated _____, and due _____, which _____ the said C. D. refuses to pay; wherefore your petitioner prays process may issue requiring the said C. D. to be and appear at the next _____ court for said county to answer your petitioner's complaint: Provided, nevertheless, that when any defendant shall at the appearance term of such cause demand of you any note, bond, bill, receipt, or other instrument, served on the plaintiff, shall be careful to produce the same to the defendant for examination.

That the form of action on account shall be as follows :

THE STATE OF ALABAMA, } To the ——— court of said county.
 ——— County. } The petition of A. B. sheweth
 that C. D. is indebted to your petitioner ——— dollars on an
 account, as will fully appear by reference to a bill of particulars
 heretofore examined, which account the said C. D. neglected to
 pay ; wherefore your petitioner prays process may issue, requiring
 the said C. D. to be and appear at the next court to be held for
 said county to answer your petitioner's complaint.

That the form of an action to recover money on a judgment
 shall be as follows, to wit :

THE STATE OF ALABAMA, } To the ——— court of said county.
 ——— County. } The petition of A. B. sheweth
 that C. D. is indebted to your petitioner ——— dollars, besides
 interest on a judgment obtained by your petitioner against the said
 C. D. at a court held on the — day of —, 18—, in the county,
 district or town of —, in the State of —, as will fully appear by
 reference to an exemplification of a proceeding in said case that
 the said judgment is unsatisfied, and that the said C. D. neglects
 to pay the same ; wherefore your petitioner prays process may
 issue, requiring the said C. D. to be and appear at the next court
 to be held for the county of —, then and there to answer the
 plaintiff's complaint.

That the form of an action for a breach of warranty on a deed
 shall be as follows, to-wit :

THE STATE OF ALABAMA, } To the ——— court of said county.
 ——— County. } The petition of A. B., sheweth
 that C. D. is indebted to him in the sum of ——— dollars, for this,
 that on the ——— day of —, 18—, the said C. D. executed to
 your petitioner a warrantee deed to a certain tract of land, (describe
 the land,) for the sum of ——— dollars, paid by your petitioner to
 the said C. D. ; that your petitioner has been outed from said lot
 of land, and the said C. D. refuses to indemnify your petitioner
 for his damages in that behalf ; wherefore your petitioner prays
 process may issue, requiring the said C. D. to be and appear at the
 next court for said county, to answer your petitioner's complaint.

And be it further enacted, That no departure from the before
 described forms shall work a non-suit : *Provided,* They are dis-
 tinctly set forth his cause of action.

On motion of

Mr. Aldridge, the said proposed amendments were laid on the
 table. Yeas 58 ; nays 28.

Those who voted in the affirmative are, Messrs. Adams, Ald-
 ridge, Ashley, Austin, Benbow, Boon, Brasher, Bridges, Cain,
 Chisolm, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, L.
 R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Groce,

Gunter, Hall, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Irby, James, Kendrick, Kennedy, J. H. King, M. A. King, McCall, McCollum, McGuire, McMullen, Neal, Patton, Perryman, Pickett, Quinn, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, Thorn, Walker, Wood and Wright—58.

Those who voted in the negative are, Messrs. Blevins, Camp, Cooper, Creagh, Crews, Gates, Gazzam, Goldsby, Goodman, Gonder, W. Hendrix, Jemison, Jones, Lea, Ligon, Lockwood, McDonald, McLeod, Perkins, Rather, R. H. Smith, Stone, Swanson, Turner, Watkins, Whatley and Williams—28.

Mr. Humphreys moved to amend the bill as follows :

Fill the blank in the first section with the "first day of July, 1852."

"And if the said chancery courts shall not finish the business before their special time, the papers in all causes shall be transferred to the circuit courts of their respective counties, to be finally disposed of according to the rules of equity proceedings."

Said amendments were adopted.

Mr. Humphreys moved further to amend the bill as follows :

"*Provided*, That this act shall not take effect until the first day of July, 1850."

Mr. Jemison moved to amend by striking out 1850 and inserting 1852.

Mr. Humphreys moved to lay said amendment on the table, which motion was lost. Yeas 43 ; nays 43.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Benbow, Boon, Bridges, Cain, Chisolm, Coleman, Coupland, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gardner, Hall, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Humphreys, Kendrick, Kennedy, J. H. King, McCall, McMullen, Neal, Perryman, Pickett, Quinn, Reese, Ryan, Skelton, Simmons, Thorn, Walker, Wilson, Wood, Wright and Young—43.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Blevins, Brasher, Camp, Cooper, Creagh, Crews, A. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hatcher, W. Hendrix, Irby, James, Jemison, Jones, M. A. King, Lea, Ligon, Lockwood, McDonald, McGuire, McLeod, Patton, Perkins, Rather, Reynolds, Rowe, J. H. Smith, Stone, Swanson, Turner, Watkins, Watts, Whatley and Williams—43.

And the amendment to the amendment was adopted.

And the amendment as amended was lost. Yeas 44 ; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Blevins, Brasher, Camp, Cooper, Creagh, Crews, A. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hatcher, W. Hendrix, Hill, Irby, James, Jemison, Jones, M. A. King, Lea, Ligon, Lockwood, McDonald, McGuire, McLeod,

Patton, Perkins, Rather, Reynolds, Rowe, R. H. Smith, Stone, Swanson, Turner, Watkins, Watts, Whatley, Williams and Wright—44.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Bridges, Cain, Chisolm, Coleman, Coupland, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gardner, Hall, Heflin, M. Hendricks, A. Holly, W. Holly, Humphreys, Hough, Kendrick, Kennedy, J. H. King, McCall, McCollum, McMullen, McLeod, Murphy, Neal, Perryman, Pickett, Quinn, Reese, Ryan, Skelton, Simmons, Thorn, Walker, Wilson, Wood and Young—44.

Mr. Bridges moved to amend the bill by striking out the ninth paragraph of the tenth section.

Mr. Nathaniel Davis moved the indefinite postponement of the bill and amendment.

Pending which question,

The House adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, January 2d, 1850.

The House met pursuant to adjournment.

Mr. Gates moved to suspend the call of the counties, to enable him to call up the resolution heretofore offered by him in relation to afternoon sessions. Said motion prevailed, and the resolution was taken up.

Mr. Cooper moved to amend the resolution by striking out the words "from and after this day," and inserting "after the 10th day of January, instant," which motion was lost.

Mr. Patton moved to amend by striking out said words, and inserting "from and after to-morrow, 3d inst.," which motion prevailed.

Mr. Cooper moved to amend by adding, "and the House shall meet again at 7 P. M., and adjourn at 9 P. M."

Mr. Jemison moved to amend the amendment by inserting after the word "House," the words from and after the 10th inst."

On motion of

Mr. Jones, the amendment and the amendment to the amendment, were laid on the table. Yeas 60; nays 24.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Austin, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, Creagh, Critcher, Crews, Corsbie, A. R. Davis, N. Davis, Foscue, Franks, Gates, Gazzam, Goodman, Groce, Hatcher, Hill, Hough, Humphreys, Irby, Jones, Kendrick, Kennedy, J. H. King, M. A. King, McCollum, McDonald, McGuire, McLeod, Neal, Patton, Perkins, Perryman, Quinn, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, R. H. Smith, Thorn, Turner, Watkins, Watts, Whatley, Williams, Wilson, Wood and Wright—60.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Baker, Cooper, L. R. Davis, Edwards, Gardner, Goldsby, Gonder, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Jemison, Lea, Lockwood, McCollum, McMullen, Murphy, Pickett, Rather, Stone and Swanson—24.

And the resolution as amended was adopted.

A message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
Montgomery, January 2d, 1850. }

To the Senate

and House of Representatives :

I herewith transmit to the General Assembly the first biennial report of professor Tuomey, the State geologist, giving the result of the observations which his explorations have enabled him to make.

A want of time has prevented me from reading the report; but repeated conversations with professor T., persuade me that it contains much information in respect to the mineralogy and geology of the State, important to the people, and especially interesting to those who may be inclined to profit by our rich and varied natural resources.

It may be proper to say that professor T. has some analyses in progress, and wishes some wood cuts and a geological map to be executed, illustrative of his report. These should all be prepared and printed as a part of it. Professor T. deems it indispensable to accuracy that the entire work should be printed under his supervision, and respectfully requests, if the General Assembly shall order its publication, that such provision may be made.

One possessing no practical knowledge of geology could hardly hope to escape most important errors in revising the proof impressions of the printer, and a very few mistakes might greatly impair the value of the report, and bring discredit upon the accuracy and science of the geologist. In view of these considerations, and inasmuch as the professor has served the State without compensation from the treasury, I think his request altogether reasonable and proper.

I recommend the printing of a large edition of the report, and that its distribution be made in such manner as will be most likely to inform the people of its contents; and that a small appropriation be made to pay for the wood cuts and geological map, which the State geologist deems essential to its correct understanding; or that the governor be authorised to pay for them from the contingent fund.

H. W. COLLIER.

Mr. Perkins (by leave) introduced joint resolutions to provide for the printing of the report of the State Geologist, which was

read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Gardner moved to refer said joint resolutions to the committee on public printing, which motion was lost.

The constitutional rule being further suspended, said joint resolutions were read the third time.

Mr. Watts moved to fill the blank in the first resolution with "ten thousand."

Said motion prevailed.

Mr. M. A. King moved to amend by engrossed ryder, as follows:

And be it further resolved, That His Excellency the Governor have the control of 100 copies of said report, for the purpose of transmission to the other States of the Union.

Said ryder was read three times and adopted and the joint resolutions passed.

Mr. Watts, from the joint committee to provide rooms for the supreme court and its library, reported:

That they have selected the dining room of the Madison House for the library and sessions of the supreme court and two rooms in Thorington's buildings, adjoining the Madison House, for the clerk's office. These rooms are tendered by the proprietors to the State for such length of time as the State may choose to occupy them, free of charge, with the condition only, that they are to be returned to the proprietor in the same good condition in which they are received.

R. J. WARE, Chairman Senate Committee.

T. H. WATTS, Chairman House Committee.

The above report was concurred in.

Special order:

The hour of 11, A. M., having arrived, the House resumed the consideration of the special order for that hour, it being

The bill to regulate judicial proceedings in Alabama.

The question recurred on the motion of

Mr. Nathaniel Davis to indefinitely postpone the bill and the amendments thereto proposed by Mr. Bridges on yesterday.

Pending which question,

The House adjourned until to-morrow morning, at 10 o'clock.

THURSDAY, January 3, 1850.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce and alimony, which was referred to the committee on divorce and alimony.

Mr. Bridges, from the committee on ways and means, reported a bill for the assessment and collection of taxes, which was read,

and the constitutional rule being suspended, was read the second time forthwith, and, on motion of

Mr. Watts, was postponed until Tuesday next and made the special order for 11 o'clock, A. M.

A message was received from His Excellency the Governor accompanied by the report and vouchers of J. F. Jackson, Esq., the agent of the State for the settlement of the five per cent. fund claimed on the general government.

The message and documents were referred to a select committee composed of one member from each judicial circuit.

The bill from the Senate for the continuation of the commissioner and trustee to settle the remaining affairs of the bank and branches, and for other purposes, was, on motion of

Mr. N. Davis, taken from the general order and read the second time.

Mr. Speaker (Mr. Bridges in the chair) moved to amend the bill by substitute.

On motion of

Mr. Watts, the bill and amendment were postponed until to-morrow, and made the special order for 10½, A. M.

The bill from the Senate for the relief of certain persons therein named, was, on motion of

Mr. E. L. Smith, taken from the message of the Senate and read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Gardner introduced a bill to establish an election precinct therein named, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on privileges and elections.

Mr. Young presented the account of C. Sublett, which was referred to the committee on propositions and grievances.

Mr. Whatley introduced a bill to authorise Martha L. Ware to sell the real estate of her wards. Said bill was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on propositions and grievances.

Special order:

The hour of 11 o'clock having arrived, the House resumed the consideration of the special order for that hour, it being the bill to regulate judicial proceedings in Alabama.

The question recurred on the motion of

Mr. N. Davis to indefinitely postpone the bill and amendment proposed by Mr. Bridges.

Pending which question,

The House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 4, 1850.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. McMullen, to prevent the evil and pernicious practice of camp hunting so far as relates to the county of Butler :

Mr. Wm. Holly, to change an election precinct in Coffee county :

Mr. Boon, for the establishment of an election precinct in the county of Dale, and for other purposes :

Mr. Gonder, to incorporate the Benton and Hayneville plank road company :

Mr. Creagh, to tax the property of the Grand and Subordinate Divisions of the Sons of Temperance :

Mr. Adams, to amend the law of salvage :

Mr. Gazzam, to amend the admiralty proceedings in the courts of this State :

Mr. Lockwood, to amend the law in reference to the limitations of actions, approved February 7th, 1843 :

Mr. Watts, for the relief of Wm. E. Shaver, a pauper of Montgomery county :

Mr. Stone, to authorise sheriff sales at Memphis, in Pickens county.

Said bills were severally read and ordered to a second reading.

Petitions were presented by :

Mr. James, of Neal Smith, and referred to the committee on the State bank and branches :

Mr. Blevins, of citizens of Dallas, and referred to the committee on the judiciary :

Mr. L. R. Davis, of E. White, and referred to the committee on propositions and grievances :

Mr. Adams, of Edward Davidson, and referred to the same committee.

Mr. Lockwood presented the account of Sandford & Wilson.

Mr. McMullen, the account of James McCann.

Mr. Humphreys, the account of Philip Woodson.

Mr. Heflin, the account of Wm. Owens.

Said accounts were severally referred to the committee on accounts.

Mr. Swanson introduced a bill to incorporate the Hayneville and Montgomery plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. M. A. King introduced a bill for the relief of Bradford Hambrick, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to a select committee composed of the delegation from Madison.

Mr. Lea introduced a bill to establish a female literary institution at Uniontown, in Perry county, which was read, and the constitutional rule being suspended, was read the second time forthwith and ordered to be engrossed for a third reading.

Mr. Baker introduced a bill appropriating money to build a new State capitol, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on ways and means.

Special order :

The hour of 10½ having arrived, the House proceeded to the consideration of the special order for that hour, it being

The bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

The question recurred on the adoption of the substitute offered on yesterday by Mr. Speaker.

Mr. M. A. King moved to postpone the bill and proposed substitute until Wednesday next, and make them the special order for 11, A. M., of said day, which motion was lost.

Mr. Speaker moved to amend the substitute by striking therefrom the words "thirty-five hundred dollars," "fifteen hundred dollars," and by striking from the second section the word "created" and inserting the word "continued."

Said amendments were adopted.

Mr. M. A. King moved further to amend the substitute by striking therefrom the fourth section.

On motion of

Mr. Humphreys, the substitute and proposed amendment were laid on the table.

Mr. Humphreys moved to refer the bill to the committee on the State bank and branches.

Said motion was lost.

Mr. Hall moved to amend the bill as follows :

Strike out of the second section the words "commencing from his qualification as sole commissioner under the act of the fourth of February, 1848, above referred to," "and including what he has already received."

Said motion prevailed. Yeas 63 ; nays 30.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Coleman, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, N. Davis, Foscue, Franks, Gardner, Gazzam, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, McCollum, McLeod, Murphy, Patton, Perryman, Pickett, Quinn, Rather, Reynolds, Rives,

Rowe, Ryan, Skelton, Simmons, Stone, Storrs, Thorn, Walker, Watkins, Whatley, Wilson, Wood, Wright and Young—63.

Those who voted in the negative are, Messrs. Baker, Blevins, Chisolm, Creagh, Crews, L. R. Davis, Gates, Goldsby, Goodman, Gunter, Hatcher, W. Hendrix, Hill, Irby, Jemison, Jones, Lea, Lockwood, McCall, McDonald, McGuire, McMullen, Neal, Perkins, E. L. Smith, R. H. Smith, Swanson, Turner, Watts and Williams—30.

Mr. Humphreys moved to amend the bill by striking out the second section.

Pending which question the House adjourned until 3, P. M.

AFTERNOON SESSION, January 4th, 1850.

The House met pursuant to adjournment.

The question recurred on the motion of Mr. Humphreys, to strike out the second section of the bill under consideration when the House adjourned.

Mr. Jemison moved to lay said motion on the table, which motion was lost. Yeas 44; nays 46.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Blevins, Boon, Camp, Chisolm, Cooper, Creagh, Crews, A. R. Davis, N. Davis, Gardner, Gates, Goodman, Groce, Gunter, Hendrix, Hill, W. Holly, Irby, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Patton, Perkins, Reynolds, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Watkins, Watts, Whatley and Williams—44.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Benbow, Brasher, Bridges, Cain, Coleman, Coupland, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gazzam, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, M. A. King, McCollum, Murphy, Neal, Perryman, Pickett, Quinn, Rather, Ryan, Skelton, Simmons, Thorn, Walker, Wilson, Wood and Wright—46.

The question recurred on the motion of Mr. Humphreys, to strike out the second section of the bill.

Mr. Hall moved to amend the motion of Mr. Humphreys, by inserting :

“ That the said commissioner and trustee receive for his services as such, twenty-five hundred dollars per annum, together with such expenses as may be necessarily incurred in transacting and attending to the business of the said bank and branches, and that he be authorised, whenever from sickness or necessary absence from the State, on the business entrusted to him in the bill, to appoint one of the assistant commissioners, so long as the be-

fore recited inability to attend to his duties as commissioner and trustee may exist, to perform the duties of commissioner in his stead, provided, nothing in this act shall be so construed as to give the right of appointing, either nominally or virtually, his successor."

On motion of

Mr. Nathaniel Davis, the said amendment was laid on the table. Yeas 60; nays 31.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Bridges, Camp, Chisolm, Coupland, Creagh, Crews, A. R. Davis, L. R. Davis, N. Davis, Foscue, Gardner, Gates, Goodman, Groce, Gunter, W. Hendrix, Hill, W. Holly, Hough, Irby, Jemison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Perkins, Reynolds, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood and Wright—60.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Cain, Coleman, Cooper, Critcher, Corsbie, Edwards, Franks, Gazzam, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, Hudson, Humphreys, James, McCollum, Murphy, Perryman, Pickett, Quinn, Rather, Ryan, Skelton, Simmons and Thorn—31.

Mr. Foscue moved to amend the motion of Mr. Humphreys, as follows:

Insert, "that the trustee and commissioner shall be entitled to receive the sum of four thousand dollars per annum as such, from the passage of this act; and that he be authorised to appoint one of the assistant commissioners to perform the duties of commissioner, whenever, in his opinion, the interest of the State shall require it."

On motion of

Mr. R. H. Smith, the said amendment was laid on the table.

The question recurred on the motion of Mr. Humphreys to strike out the second section.

Mr. Bridges moved to amend the said section by striking therefrom all except that portion which fixes the salary of the commissioner and trustee.

Said motion prevailed.

The question recurred on the motion of Mr. Humphreys to strike out the second section.

Mr. J. H. King moved to amend said section by striking out the words "five thousand dollars," and inserting "three thousand five hundred dollars."

Mr. Jones called a division of the question, which was first taken on striking out, and lost. Yeas 40; nays 53.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Bridges, Cain, Coleman, Coupland, Crews, Critcher, Corsbie, Edwards, Foscue, Franks, Gazzam, Hall, Heflin, M. Hendricks, A. Holly, Hough, Humphreys, James, Kendrick, Kennedy, J. H. King, McCollum, Murphy, Patton, Pickett, Quinn, Rather, Reese, Ryan, Simmons, Thorn, Walker, Wilson, Wood and Wright—40.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Camp, Cooper, Creagh, A. R. Davis, L. R. Davis, Gardner, Gates, Goodman, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, W. Holly, Hudson, Irby, Jemison, Jones, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Neal, Perkins, Perryman, Reynolds, Rives, Rowe, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Watts, Whatley and Williams—53.

A point of order having arisen,

Mr. Jemison (in the chair,) decided that the only remaining portion of the said second section being the clause fixing the salary of the commissioner and trustee, and the House having by the vote just taken refused to strike out the compensation named therein, the motion of Mr. J. H. King was substantially the same as that of Mr. Humphreys, and that said latter motion having been substantially lost by the rejection of Mr. King's amendment, could not again be put to the House.

From which decision, Mr. Humphreys appealed.

The question, Shall the decision of the chair stand as the decision of the House? was decided in the affirmative. Yeas 57; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Bridges, Camp, Chisolm, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, W. Holly, Hough, Humphreys, Irby, Jones, Kendrick, Kennedy, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Neal, Perkins, Perryman, Reynolds, Rowe, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Watts, Whatley, Williams, Wilson and Wright—57.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Brasher, Cain, Coleman, Cooper, Coupland, Edwards, Foscue, Gazzam, Hall, Heflin, M. Hendricks, A. Holly, Hudson, James, Jemison, J. H. King, Lea, McCollum, Murphy, Patton, Pickett, Quinn, Rather, Reese, Ryan, Simmons, Thorn, Walker and Wood—32.

Mr. N. Davis moved to amend the second section of the bill, by way of proviso, as follows :

"Provided, that should a vacancy occur in the office of commissioner and trustee, the person appointed to fill the same shall receive a salary of twenty-five hundred dollars per annum, and no more."

Mr. Speaker (Mr. Jemison in the chair) moved to lay said amendment on the table.

Mr. Hough moved to reconsider the vote by which the House refused to strike out of the said second section the words "five thousand dollars." Said motion was lost. Yeas 33; nays 57.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Bridges, Cain, Coleman, Coupland, Critcher, Corsbie, Edwards, Foscue, Gazzam, Hall, Heflin, M. Hendricks, A. Holly, Hudson, Humphreys, James, Kennedy, J. H. King, McCollum, Murphy, Patton, Pickett, Quinn, Rather, Reese, Ryan, Simmons, Thorn, Walker and Wood—33.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Camp, Chisolm, Cooper, Creagh, Crews, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, W. Holly, Hough, Irby, Jemison, Jones, Kendrick, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Neal, Perkins, Perryman, Reynolds, Rowe, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Watts, Whatley, Williams, Wilson, Wright, Young—57.

The question recurred on the motion of

Mr. Speaker to lay on the table the amendment of Mr. N. Davis, which motion was lost. Yeas 39; nays 53.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Benbow, Boon, Brasher, Bridges, Cain, Coleman, Corsbie, L. R. Davis, Foscue, Franks, Gardner, Gazzam, Gonder, Heflin, Hudson, Humphreys, Irby, James, Jemison, Kennedy, Lea, Ligon, Perkins, Quinn, Reese, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Turner, Walker, Watkins—39.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Barrow, Blevins, Camp, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Edwards, Gates, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Jones, Kendrick, J. H. King, M. A. King, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Neal, Patton, Perryman, Pickett, Rather, Reynolds, R. H. Smith, Storrs, Swanson, Thorn, Whatley, Williams, Wilson, Wood, Wright and Young—53.

And the amendment of Mr. Davis was adopted.

Mr. Speaker (Mr. Jemison in the chair,) moved to amend the bill as follows, to come in as section 3 :

"And be it further enacted, That Wm. S. Compton be and is hereby appointed assistant commissioner of the branch bank at Decatur, which shall be exclusively under his control and direction, whose duty it shall be on the first Mondays in May and November of each year, to make full reports of his proceedings to the said F. S. Lyon, and whenever the said Francis S. Lyon shall deem it necessary for the purpose of his commission and in pursuance of the powers hereby continued, he shall have power to control the funds belonging to the said branch and bank at Decatur."

On motion of

Mr. Baker, the said amendment was laid on the table. Yeas 50; nays 37.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Austin, Baker, Benbow, Blevins, Boon, Bridges, Cain, Camp, Chisolm, Coupland, Creagh, Crews, A. R. Davis, N. Davis, Edwards, Gates, Groce, Gunter, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, W. Holly, Jemison, Jones, Kendrick, M. A. King, Lea, Ligon, Lockwood, McDonald, McMullen, Murphy, Neal, Rather, Reynolds, Rowe, E. L. Smith, Stone, Storrs, Swanson, Turner, Watts, Whatley, Williams, Wood and Wright—50.

Those who voted in the negative are, Messrs. Speaker, Adams, Barrow, Brasher, Coleman, Critcher, Corsbie, L. R. Davis, Foscue, Franks, Gardner, Gazzam, Gonder, Hall, Heflin, A. Holly, Hough, Hudson, Humphreys, James, Kennedy, J. H. King, McCall, McCollum, McGuire, McLeod, Patton, Pickett, Quinn, Ryan, Skelton, Simmons, R. H. Smith, Thorn, Walker, Watkins and Wilson—37.

And then

The House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, January 5th, 1850.

The House met pursuant to adjournment.

Mr. Aldridge moved to reconsider the vote by which the House on yesterday afternoon laid on the table the amendment offered by Mr. Speaker to the bill then under consideration.

Said motion prevailed. Yeas 51; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bynum, Coleman, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gazzam, Gunter, Hardwick, Heflin, M. Hendricks, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, M. A. King, McCall, McCollum, McGuire, McMullen, McLeod,

Neal, Patton, Perryman, Pickett, Quinn, Rather, Rives, Ryan, Simmons, Thorn, Walker, Watkins, Watts, Whatley, Wilson, Wood and Wright—51.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Cain, Camp, Chisolm, Cooper, Coupland, Crews, N. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Hatcher, W. Holly, Hough, Hudson, Humphreys, Jemison, Jones, Lea, Ligon, Lockwood, McDonald, Perkins, Reese, Reynolds, Rowe, E. L. Smith, Stone, Storrs, Swanson, Turner and Williams—36.

Mr. Storrs introduced a joint memorial to the Congress of the United States, asking the right of way and a grant of vacant lands for certain proposed rail roads.

Said memorial was read and adopted.

Mr. Storrs introduced a bill to appropriate the two per cent. fund, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. Storrs presented the memorial of the Talladega rail road convention, which was referred to the committee on internal improvements, with instructions to have 133 copies printed.

Mr. Storrs introduced a bill for the relief of Mary Brown, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Storrs introduced a bill to authorise Wm. P. Brown to build a toll bridge across Big Cahawba river, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Special order :

The hour of 10½ having arrived, the House resumed the consideration of the special order, it being

The bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

The question recurred on the motion of

Mr. Speaker, to amend said bill by an additional section to be numbered section 3.

Mr. Speaker (Mr. Davis in the chair) moved to amend the amendment by proviso, as follows :

Provided, nevertheless, That the said Francis S. Lyon shall have the power to remove the said Wm. S. Compton for any malfeasance or misfeasance in office.

Said amendment was adopted.

Mr. Humphreys moved to postpone the further consideration of the bill and amendment until Monday next at 10½ o'clock, and make it the special order for that hour.

Mr. L. R. Davis moved to lay said motion on the table, which latter motion was lost, and the motion of Mr. Humphreys was lost.

The question recurred on the adoption of the amendment of Mr. Speaker as amended.

Mr. Baker moved to lay said amendment on the table, which motion prevailed. Yeas 50; nays 36.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Baker, Benbow, Boon, Brasher, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, N. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Jemison, Jones, Kendrick, Lea, Ligon, Lockwood, McDonald, McGuire, McLeod, Murphy, Perkins, Rather, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Watts, Whatley, Williams, Wood, Young—50.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Barrow, Cain, Critcher, Corsbie, L. R. Davis, Edwards, Franks, Gazzam, Gunter, Hall, Heflin, Hough, Hudson, Humphreys, James, Kennedy, J. H. King, M. A. King, McCall, McCollum, McMullen, Patton, Perryman, Pickett, Quinn, Ryan, Skelton, Simmons, Thorn, Walker, Watkins, Wilson and Wright—36.

Mr. Whatley moved the previous question.

Mr. Speaker (Mr. N. Davis in the chair) moved to postpone the further consideration of the bill until Monday next, at 10 o'clock, A. M., which motion was lost. Yeas 31; nays 59.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Austin, Critcher, Corsbie, L. R. Davis, Edwards, Gazzam, Heflin, M. Hendricks, Hudson, Humphreys, James, Kennedy, J. H. King, M. A. King, McCollum, Patton, Pickett, Quinn, Rather, Ryan, Skelton, Simmons, Storrs, Thorn, Walker, Watkins, Wood and Wright—31.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Baker, Benbow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, N. Davis, Foscue, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Irby, Jemison, Jones, Kendrick, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Perryman, Reese, Reynolds, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Watts, Whatley, Williams, Wilson and Young—59.

The question recurred on the motion of Mr. Whatley for the previous question.

And the question, shall the main question be now put, was decided in the negative. Yeas 42; nays 44.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Baker, Benbow, Blevins, Boon, Camp, Chisolm, Coupland, Creagh, Crews, N. Davis, Franks, Gates, Goodman, Gonder, Groce, Hardwick, Hatcher, Hill, W. Holly, Kendrick, Ligon, Lockwood, McCall, McDonald, McGuire, Murphy, Perryman, Reynolds, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Whatley, Williams, Wilson and Young—42.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Brasher, Cain, Cooper, Critcher, Corsbie, L. R. Davis, Edwards, Foscue, Gardner, Gazzam, Goldsby, Gunter, Hall, Heflin, M. Hendricks, W. Hendrix, Hough, Hudson, Humphreys, Irby, James, Jones, Kennedy, J. H. King, M. A. King, Lea, McCollum, Neal, Patton, Pickett, Quinn, Rather, Ryan, Skelton, Simmons, Thorn, Walker, Watkins, Watts, Wood, Wright—44.

And then the House adjourned.

AFTERNOON SESSION, January 5th, 1850.

The House met pursuant to adjournment, and resumed the consideration of the special order, it being the bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

Mr. Gazzam moved to amend said bill by an additional section, as follows :

"SEC. — *And be it further enacted*, That from and after this date, the said commissioner shall have no further power to carry on the business of banking, or to discount bills or promissory notes, or to emit bank bills, or to buy or speculate in stocks, or to employ banks, brokers or other agents, to do any of the said acts in his name or in the name of the State : *Provided*, That the same prohibition shall not preclude the said commissioner from reducing or redeeming the bonds of the State of Alabama."

On motion of

Mr. Ryan, the further consideration of the subject was postponed for the present, with a view of taking from the message of the Senate the bill to incorporate the Memphis and Charleston rail road company.

Said bill was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. N. Davis moved its reference to a select committee composed of one member from each county through which the proposed road will pass.

Said motion was lost.

On motion of

Mr. Humphreys, the constitutional rule was further suspended. Yeas 62 ; nays 14.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Boon, Cain, Chisolm, Cooper, Creagh, Crews, Corsbie, Franks, Gardner, Goodman, Groce, Gunter, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, McCall, McDonald, McGuire, McMullen, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Thorn, Watkins, Watts, Whatley, Williams, Wilson and Wright—62.

Those who voted in the negative are, Messrs. Aldridge, Brasher, Camp, Coupland, Critcher, N. Davis, Edwards, Foscue, Gonder, Hardwick, J. H. King, McCollum, Reynolds and Wood—14.

The bill was read third time and passed.

And then the House adjourned until Monday morning, 10 o'clock.

MONDAY, January 7th, 1850.

The House met pursuant to adjournment.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Mr. Speaker also laid before the House a communication from the quarter master general, which was referred to the committee on the military.

Mr. Speaker announced the following select committees :

Messrs. Cooper, Williams, Blevins, McGuire, Patton, McDonald, Crews, Watts and Rowe, to whom was referred the message of His Excellency the Governor, and the accompanying documents, in relation to the settlement and restatement of the five per cent fund.

Messrs. Pickett, Ryan, Adams, Whatley and Groce, to whom was referred the bill to alter the districts and change the times for holding the chancery courts, and to increase the number of terms in the northern chancery division.

Bills were introduced by :

Mr. Quinn, to provide for the compensation of jurors in justices' courts in Bibb county :

Mr. Holly, for the relief of John M. Kennedy, of Coffee county :

Mr. McCollum, for the better regulation of presentments before grand juries in the county of Fayette, and for other purposes :

Mr. Gazzam, to amend an act for the better regulation and management of steamboats :

Mr. Rives, to authorise Edward Hulburt to sell a certain tract of land :

Mr. Watts, to incorporate the south-eastern plank road company :

Mr. Stone, for the relief of James Nance, of the county of Pickens:

Mr. Baker, to change the name of Martha R. Singleton to Martha R. Cook:

Mr. Simmons, to regulate private roads:

Mr. Bridges, to authorise the commissioners of township twelve, range six, in the county of Wilcox, to rescind a certain contract therein specified, and for other purposes:

Said bills were severally read and ordered to a second reading.

Mr. Wm. Holly offered the following resolution:

Resolved, That with the concurrence of the Senate the two houses will proceed on Wednesday, the 9th inst., at the hour of 12, M., in the hall of the House, to the election of judges for the county courts of Coffee, Barbour, Covington and Shelby counties, which was adopted.

Mr. Coleman introduced a bill exempting a certain article therein named from levy or sale under execution, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on the judiciary.

Mr. Humphreys introduced a bill to authorise the mayor and aldermen of the town of Huntsville to subscribe to the capital stock of the Memphis and Charleston rail road company, which was read, and the constitutional rule being suspended, was read the second time and referred to the delegation from Madison.

Mr. Critcher introduced a bill to prevent negro property from levy and sale, which was read, and the House refused to order the bill to a second reading.

Mr. Lockwood presented the petition of Edward A. Lewis and others, which was referred to the committee on propositions and grievances.

Mr. E. L. Smith presented the account of the jailor of Monroe county, which was referred to the committee on accounts.

Also, the petition of citizens of township six, range five, in Monroe county, which was referred to the committee on the sixteenth section fund.

Mr. Hill introduced a bill to regulate the militia system of this State, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the military.

Mr. Groce introduced a bill for the relief of Frank Alstock, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on propositions and grievances.

Mr. Turner introduced a bill to attach the county of Choctaw to Sumter chancery district, which was read, and the constitutional rule being suspended, was read the second time and referred to the committee on the judiciary.

Mr. Irby introduced a bill for the relief of the Wilcox guards, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the military.

Special order:

The hour of 10½, A. M., having arrived, the House resumed the consideration of the special order, it being

The bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

The question recurred on the motion of

Mr. Gazzam, to amend said bill by an additional section.

Mr. Jones moved to amend the amendment as follows:

"And be it further enacted, That from and after the passage of this act the notes of the State bank and its branches now in the hands of said commissioner, or which may hereafter come to his hands, shall never again be issued or put in circulation, but the said notes shall be cancelled as soon as received, and within the first week in January and the first week in July, in each and every year, the said notes shall be registered by the comptroller and counted and burnt in the presence and under the superintendence of the said commissioner, the governor, the treasurer and comptroller, or of three of them."

Mr. N. Davis moved to lay the amendment to the amendment on the table.

Mr. Speaker (Mr. Jemison in the chair) called for a division of the question.

Mr. R. H. Smith moved to postpone the bill and amendments until to-morrow, 10½ o'clock, A. M.

Mr. Foscue moved to lay the motion of Mr. Smith on the table, which motion prevailed.

The question recurred on Mr. N. Davis' motion to lay on the table, first on the amendment of Mr. Jones. Said motion prevailed. Yeas 72; nays 11.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Gonder, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Humphreys, Irby, James, Kendrick, Kennedy, M. A. King, Lea, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Whatley, Williams, Wilson, Wood and Wright—72.

Those who voted in the negative are, Messrs. Foscue, Gazzam, Heflin, Hudson, Jones, Ligon, Rowe, Simmons, Thorn, Walker and Watts—11.

A point of order having arisen,

Mr. Jemison (in the chair) decided that the amendment of Mr. Gazzam was one and indivisible, from which decision

Mr. Humphreys appealed.

The question, shall the decision of the chair stand as the decision of the House, was decided in the affirmative. Yeas 81; nays 3.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Gonder, Groce, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Watts, Whatley, Williams, Wilson, Wood and Wright—81.

Those who voted in the negative are, Messrs. Benbow, Hudson and Humphreys—3.

The question recurred on the second branch of the motion of Mr. N. Davis to lay the amendment of Mr. Gazzam on the table.

Said motion prevailed. Yeas 71; nays 18.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Ashley, Baker, Barrow, Benbow, Brasher, Bridges, Cain, Camp, Coleman, Chisolm, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, Hough, Irby, Jemison, Kendrick, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McCollum, McGuire, McMullen, McLeod, Neal, Perkins, Perryman, Rather, Reese, Reynolds, Rives, Rowe, Ryan, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—71.

Those who voted in the negative are, Messrs. Speaker, Foscue, Gazzam, Heflin, W. Holly, Hudson, Humphreys, James, Jones, Kennedy, J. H. King, Patton, Pickett, Quinn, Simmons, Thorn, Walker and Watkins—18.

Mr. Creagh moved the previous question, which motion was lost. Yeas 42; nays 46.

Those who voted in the affirmative are, Messrs. Aldridge, Ash-

ley, Baker, Barrow, Boon, Bridges, Cain, Camp, Coleman, Coupland, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gonder, Groce, Hatcher, W. Hendrix, Hill, Jemison, Lockwood, McCollum, McDonald, McLeod, Neal, Perkins, Quinn, Reynolds, Rowe, E. L. Smith, R. H. Smith, Stone, Turner, Whatley, Williams, Wilson, Wood and Young—42.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Benbow, Brasher, Chisolm, Corsbie, L. R. Davis, Foscue, Gardner, Gazzam, Goodman, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, McCall, McCollum, Patton, Perryman, Pickett, Rather, Reese, Rives, Ryan, Simmons, Swanson, Thorn, Walker, Watts and Wright—46.

Mr. Watts moved to amend the bill as follows:

"That the said commissioner shall have no power to discount promissory notes, except in extension of debts due the bank and its branches, nor to buy bills of exchange, except such as may be necessary for the payment of interest on the bond debt, and the purchase of the State bonds; nor shall he have power to re-issue any of the bills of the State bank and branches, except such as may be necessary to make change in the payments which may be made to said commissioner or any of his assistants."

Mr. Kennedy moved to refer the bill and amendment to the committee on the judiciary, with instructions to report the same back on to-morrow, at 10½ o'clock, A. M.

Mr. Wm. Hendrix moved to lay the amendment on the table.

Mr. Humphreys called for a division of the question, which was first taken on the first branch, as follows:

"That the said commissioner shall have no power to discount promissory notes, except in the extension of debts due the bank and its branches," which was lost. Yeas 44; nays 44.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Boon, Bridges, Cain, Camp, Coleman, Coupland, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Franks, Gardner, Gates, Goodman, Groce, Hardwick, Hatcher, W. Hendrix, Hill, Jemison, Lea, Lockwood, McCollum, McDonald, McGuire, McLeod, Neal, Perkins, Perryman, Quinn, Reese, Rowe, E. L. Smith, R. H. Smith, Stone, Whatley, Williams, Wilson, Wood, Young—44.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Benbow, Brasher, Cooper, Corsbie, L. R. Davis, Edwards, Foscue, Gazzam, Gonder, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, McCall, McMullen, Patton, Pickett, Rather, Reynolds, Rives, Ryan, Simmons, Swanson, Thorn, Turner, Walker, Watkins, Watts and Wright—44.

Then on the second branch of the amendment, as follows :

"Nor to buy bills of exchange, except such as may be necessary for the payment of interest on the bank debt and the purchase of State bonds," which was carried. Yeas 47 ; nays 41.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Boon, Bridges, Cain, Camp, Coupland, Creagh, Crews, Critcher, A. B. Davis, N. Davis, Gardner, Gates, Goodman, Gonder, Groce, Hardwick, Hatcher, W. Hendrix, Hill, Jemison, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, McLeod, Neal, Perkins, Quinn, Rather, Reese, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Watkins, Whatley, Williams, Wilson, Wood and Young—47.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Benbow, Brasher, Coleman, Cooper, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Gazzam, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, Patton, Perryman, Pickett, Reynolds, Rives, Ryan, Simmons, Thorn, Walker, Watts and Wright—41.

Then on the third branch of the amendment, as follows :

"Nor shall he have power to re-issue any of the bills of the State bank and branches, except such as may be necessary to make change in payments, which may be made to said commissioner or any of his agents."

Which was carried. Yeas 56 ; nays 29.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Boon, Brasher, Bridges, Cain, Camp, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Goodman, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, Humphreys, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McLeod, Neal, Perkins, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins, Whatley, Williams, Wood, Wright and Young—56.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Benbow, Coleman, Corsbie, Edwards, Foscue, Gazzam, Heflin, A. Holly, W. Holly, Hough, Hudson, Irby, James, Jones, Kendrick, J. H. King, McCall, McMullen, Patton, Perryman, Pickett, Rives, Simmons, Walker and Watts—29.

The question then recurred on the first clause of the amendment offered by

Mr. Watts, that the said commissioner shall have no power to discount promissory notes except in extension of debts due the bank and its branches, which was lost.

Mr. Walker moved to amend by substitute, as follows :

Be it enacted by the Senate and House of Representatives of

the State of Alabama in General Assembly convened, That Francis S. Lyon be and he is hereby continued as bank commissioner and trustee to settle the affairs of the State bank and branches, from the expiration of his present term of service, for the period of two years, at a salary of twenty-five hundred dollars per annum, with an addition for necessary traveling and incidental expenses of a sum not exceeding one thousand dollars per annum. Said commissioner to be governed by the regulations and restrictions of an act entitled an act to amend and continue in force an act entitled an act to regulate the affairs of the banks, provide for the payment of State bonds, approved 4th February, 1846, and to be vested with all the powers conferred by the aforesaid act, except in the cases so far as the same may be inconsistent with the provisions of this act.

Be it further enacted, That it shall not be competent for the said commissioner to appoint the assistant commissioners, but that one assistant commissioner for each branch bank shall be elected by the legislature.

Be it further enacted, That each assistant commissioner shall receive a salary of — per annum, and that it shall not be lawful for any assistant commissioner to discount notes, or bills of exchange, or transact any business of banking, but shall confine his business to the collection of debts due to the said bank and branches; and all money so collected by said assistant commissioner shall be paid over by said assistant commissioner, as fast as received, to the said Francis S. Lyon, in such manner as he shall direct.

Be it further enacted, That it shall not be lawful for the said Francis S. Lyon to emit, or in any manner circulate or use, any of the notes or bills of the State bank and branches now in hand or which may hereafter come in his possession by collections or otherwise, but shall be authorised to use all the moneys in his hands or that may hereafter come into his possession from collections, as the said bank commissioner may deem to the interest of the State, or in such manner as the Legislature may direct.

Be it further enacted, That the bank commissioner shall, if required, give his advice in writing to any of said assistant bank commissioners, as to the best mode or measure of collecting any debt or debts due said bank or branches.

Mr. N. Davis (in the chair) decided that the substitute offered by Mr. Walker was out of order; from which decision

Mr. Walker appealed.

The question, Shall the decision of the chair stand as the decision of the House? was decided in the affirmative. Yeas 53; nays 32.

Those who voted in the affirmative are, Messrs. Aldridge, Ash-

ley, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Coleman, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Franks, Goodman, Gonder, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, Hough, Irby, Kendrick, M. A. King, Lea, Lockwood, McCall, McCollum, McDonald, McGuire, McLeod, Neal, Perkins, Quinn, Reese, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Whatley, Williams, Wilson, Wood, Wright and Young—53.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Bridges, Corsbie, Foscue, Gardner, Gates, Gazzam, Hall, Heflin, A. Holly, W. Holly, Hudson, Humphreys, James, Jemison, Jones, Kennedy, J. H. King, Ligon, McMullen, Patton, Perryman, Pickett, Rather, Reynolds, Ryan, Simmons, Thorn, Walker, Watkins and Watts—32.

And then the House adjourned.

AFTERNOON SESSION, January 7th, 1850.

The House met pursuant to adjournment, and resumed the consideration of the special order, it being the bill from the Senate, for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

Mr. Watkins, from the select committee to whom was referred the bill for locating permanently the seat of justice in the county of Franklin, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Watkins, from the select committee to whom was referred the bill to repeal in part an act therein mentioned, and for other purposes, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Bynum obtained leave of absence for the balance of the session.

Mr. J. H. King offered the following resolution, which was adopted :

Resolved, That the committee on roads, bridges and ferries, be instructed to report a bill defining the road year.

And then the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, January 8th, 1850.

The House met pursuant to adjournment.

Mr. Aldridge (by leave) offered the following resolution :

Resolved, That the clerk of this House be authorised to employ one assistant to aid him in keeping the journal of this House.

Mr. Wilson moved to amend by adding, "at four dollars per day." And the resolution as amended was adopted.

The special order for this hour, it being the bill to provide for the assessment and collection of taxes, was suspended, on motion of Mr. Williams; and on motion of

Mr. N. Davis, was postponed until to-morrow, 10½ o'clock, A. M., with the view of resuming the consideration of the next special order, it being the bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

A message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
Montgomery, January 8, 1850. }

To the House of Representatives :

I herewith return a bill which originated in your House entitled "An act to incorporate the Alabama and Georgia rail road company," with my objections, to-wit :

The fourth section of the bill, among other things, provides that the president and directors may also, for the company, purchase and contract for land, wood, stone and gravel which may be used in constructing said rail road ; but if said president and directors cannot agree with the owners of said lands and other materials through which the road may pass, upon the price of the same, or if the owners are infants, non-residents, insane, or otherwise incapable of conveying the title, they are hereby authorised to apply to the sheriff of the county, and he shall forthwith summons five disinterested freeholders, who shall determine the price of said property, and their determination shall convey the title to said company ; but either party, if dissatisfied with such decision, may appeal to the next circuit court of the county as in other cases ; and moreover said jury of five, in estimating the damages, shall take into consideration the increased advantages arising from said rail road.

The thirteenth section of the first article of the constitution declares that " no person shall, for the same offence, be twice put in jeopardy of life or limb ; nor shall any person's property be taken or applied to public use unless just compensation be made therefor."

It will be observed that where the president and directors of the company cannot stipulate, &c., the price of private property proposed to be used for the road, the sheriff, upon their application, shall summon a jury of freeholders to ascertain and assess it ; that this jury "shall determine the price of said property, and their determination shall convey the title to said company, but either party, if dissatisfied with such decision, may appeal to the next circuit court," &c..

This enactment conflicts with the constitution, in making the determination of the jury upon the question of damages, *operate a conveyance of the title of private property to the company*. It is not only necessary that the value of the land should be assessed, but to make the divestiture complete, they should be paid to the owner.

If the bill proposed nothing more than the appropriation of the lands of the individuals for the purposes of the road, it would not, perhaps, be unconstitutional, as compensation might have been provided by a subsequent law. But even in such a case, the appropriation would be enjoined until the provision was made and compensation actually paid.

Such is the construction which the best considered adjudications have given to the constitutional principle; a principle which exists with stringent force, independent of any positive provision.

The reasons thus briefly stated, induce me, most respectfully, to withhold my approval of the bill referred to.

H. W. COLLIER.

The House then resumed the consideration of the special order, it being

The bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes.

Mr. Watts moved to amend the bill as follows:

“Provided, That nothing in this bill contained, or in the act to which this is an amendment, shall authorise the commissioner to re-issue the bills of the State bank and branches before such an amount as may be paid in the settlement of the debt now due to the State bank and branches.

Mr. Camp moved to lay the amendment on the table, which motion prevailed. Yeas 61; nays 26.

Those who voted in the affirmative are, Messrs. Baker, Boon, Bridges, Camp, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, W. Hendrix, A. Holly, Humphreys, Irby, Jemison, Kendrick, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McLeod, Neal, Perkins, Perryman, Rather, Reese, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Whatley, Williams, Wilson, Wright and Young—61.

Those who voted in the negative are, Messrs. Speaker, Ashley, Barrow, Benbow, Brasher, Cain, Chisolm, Goleman, Corsbie, Foscue, Gazzam, Heflin, W. Holly, Hough, Hudson, James, Jones, Kennedy, J. H. King, McMullen, Patton, Pickett, Quinn, Simmons, Thorn and Watts—26.

And then the bill was ordered to a third reading on to-morrow.
Yeas 60 ; nays 32.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, Hough, Irby, Jemison, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Perkins, Perryman, Reese, Reynolds, Rives, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Whatley, Williams, Wright and Young—60.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Cain, Coleman, Foscue, Franks, Gazzam, Hall, Heflin, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Patton, Pickett, Quinn, Rather, Ryan, Simmons, Thorn, Walker, Watkins, Watts, Wilson, and Wood—32.

The House then took into consideration the veto message of His Excellency the Governor, which was read this morning, and the question recurred on the passage of the bill, and the question shall the bill pass, was decided in the negative. Yeas 1 ; nays 60.

Those who voted in the affirmative are, Mr. Jacob H. King.

Those who voted in the negative are, Messrs. Adams, Baker, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—80.

Mr. Young (by leave,) introduced a bill to incorporate the Alabama and Georgia rail road company, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Cooper moved to amend the bill as follows :

Provided, no road leading from the State of Georgia, shall connect with said road, until the consent of the Legislature of said State of Georgia, shall be obtained, authorising any rail road, which may be chartered by Alabama, leading from Gadsden, in

Alabama, to Dalton or Rome in Georgia, to pass through said State of Georgia, and connect with the said rail road in said State, at said point last indicated.

Mr. Whatley moved to lay the amendment of Mr. Cooper on the table, which motion was lost. Yeas 40; nays 45.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Blevins, Boon, Cain, Camp, Creagh, Critcher, A. R. Davis, L. R. Davis, Foscue, Franks, Gardner, Goodman, Groce, Hatcher, Heflin, Hill, Jemison, Kendrick, Kennedy, J. H. King, McCall, McCollum, McMullen, Patton, Perkins, Perryman, Pickett, Quinn, Reynolds, Skelton, Simmons, Stone, Storrs, Thorn, Whatley, Williams, Wilson and Young—40.

Those who voted in the negative are, Messrs. Speaker, Adams, Austin, Barrow, Brasher, Bridges, Coleman, Cooper, Coughland, Crews, Corsbie, N. Davis, Gates, Gazzam, Goldsby, Gunter, Hall, Hardwick, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Jones, M. A. King, Lea, Ligon, Lockwood, McDonald, McLeod, Neal, Rather, Rives, Ryan, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Walker, Wood and Wright--45.

On motion of

Mr. Gates, the bill and amendment were referred to the committee on internal improvements.

On motion of

Mr. Perkins, the further consideration of the special order was suspended to enable committees to report.

Mr. R. H. Smith, from the committee on the judiciary, to whom was referred the construction of the 84th section of an act to provide for the assessment and collection of taxes, passed March 6th, 1848, reported that in the opinion of the committee, the tax provided for is to be assessed against "every bank, insurance company, or other corporation doing business under a charter granted by the authorities of this State," except such as are specially exempt, and in which exceptions are all property of literary, scientific, benevolent, or charitable societies or institutions incorporated within this State, and actually occupied or used by any such society or institution, or by the officers thereof, for the purpose for which the same was incorporated, that the assessment is to be on the capital stock paid, or to be paid, without regard to the value of stock, and without regard to accumulation or losses of capital, in the course of business.

They are also of opinion that banks, insurance companies, rail roads, or other corporations receiving income from the regular business are moneyed corporations within the meaning of the section, and that the taxes of such should be assessed to and paid by the president, cashier or treasurer, as the one or the other of

these officers may receive or control the money of the corporation.

The section is in these words: "That on the capital stock of every bank or insurance company doing business under a charter granted by the authorities of this State, except such as are expressly exempt by law, there shall be assessed and collected a tax of one-fourth of one per cent., which shall be assessed to and paid by the president, cashier or treasurer of said bank, insurance company or other moneyed corporation."

We have here specified the object of taxation, the rates of taxation and the direction given to the assessment. The provisions in regard to the objects and rates are not controlled by the directions given for assessing and collecting. In other words, if it be granted that a rail road is not a *moneyed corporation* within the meaning of the act, and therefore that its taxes cannot be assessed to its president or treasurer, it by no means follows that it is not taxed on its *capital stock*. The latter part of the section directs the mode of assessing and collecting; the former presents the thing to be taxed and the rate of taxation. Suppose there be a corporation having a capital stock, but so confined in its operations as to be unable to have income or money, yet not falling within the class excepted from taxation, can it be doubted that it would be taxed on the capital stock because it might not in any sense be a moneyed corporation, and because therefore the tax could not be assessed to its officers. To so determine would be to change the general expression in the first part of the act, "*or other corporation*," to the limited one, "*or other moneyed corporation*." Such a construction would be unauthorised by any rules known to the ———.

But an examination of the whole section will show the position that none are moneyed corporations but such as deal exclusively in money to be untenable. In the construction of a statute effect is to be given to every part if possible. The act required the tax in cases of banks, insurance companies and other moneyed corporations to be assessed to the officer designated. Then other moneyed corporations must mean other than banks and insurance companies, or the expression is without meaning. There are in Alabama no corporations, save banks and insurance companies, which are solely and in a strict sense moneyed corporations; and it follows that the Legislature intended by the additional expression to designate corporations receiving moneyed incomes as distinguished from banks and insurance companies. The words "president, cashier or treasurer" relate as well to other moneyed corporations as to banks and insurance companies. "President" and "Treasurer" are the appropriate appellatives for officers of rail roads and other stock companies deriving

moneyed income. It appears to the committee that the plain sense of the section is that all corporations not specially excepted shall pay the tax; but inasmuch as there may be corporations with capital stock, but without income, it would be unjust to make the officer pay who did not receive. Therefore, in the latter part of the section the more limited expression, "moneyed corporation," is used, to prevent the conclusion that the tax should be assessed against one not receiving money for the corporation, and that by the language used the Legislature intended in all cases where the officer designated shall receive the money of the corporation to furnish a certain, cheap, easy and convenient mode of collecting the tax by requiring it to be assessed to and paid by the president, cashier or treasurer.

The committee have extended the report, rather because they are advised that doubt has been entertained as to the true construction of the section, than from any difficulty in their minds as to its meaning.

Mr. Bridges, from the committee on ways and means, to whom was referred that part of the message of His Excellency the Governor which relates to the financial condition of the State, reported:

The committee on ways and means, to whom was committed that part of the message of the governor which relates to the financial affairs of the State, as well as various other matters connected with our fiscal concerns, have considered the several subjects committed to their charge, and ask leave to submit the following report, accompanying the bill "to provide for the assessment and collection of taxes."

From the official documents which have been submitted to the present General Assembly, the State appears to have been indebted, on the first of November last, upon bonds, or what is denominated her foreign debt, the sum of \$6,693,888 98, payable as follows:

In London	\$2,267,888 98	
In New York	3,426,000 00	
In New Orleans	1,000,000 00	— \$6,693,888 98

To this sum may be added \$600,000 in bonds issued for the purpose of the State's raising its quota of stock in the Mobile bank. The interest on these bonds has been paid by the bank as endorser. The bank, however, charges the State with the sum of \$90,000 for advances of interest, when the bank was unable to pay dividends on account of losses sustained in the commercial revulsions of past years. It is not within the province of

your committee to determine upon the justice or validity of this claim; but if it is founded in justice, it should be discharged and considered as an item in the immediate liabilities of the State. Exclusive of those items which have not heretofore been computed in the liabilities of the State, the total foreign debt on bonds is.....	6,693,888 98
Surplus revenue of United States which has heretofore been computed as part of the State's indebtedness, (but which may not be called for,) paying no interest.....	\$669,086 80
To which may be added the following items of the domestic or foreign debt:	
University fund, 6 per cent.....	250,000 00
Sixteenth Section fund, 6 per cent.....	995,220 97
	<hr/>
Total of liability, not including stock in the bank of Mobile or claim for back interest...	8,608,196 75
	<hr/>
The annual interest upon the above stated items, which is an immediate liability upon the State, is for the University fund. \$15,000 00	
Sixteenth Section fund.....	59,713 26
On the foreign debt.....	343,914 44
From which deduct interest on \$1,100,000 U. States 6 per cent.	
stock	66,000 00
To which add the estimated current expenses of the State government annually.....	97,678 00
	<hr/>
Immediate annual liabilities upon the treasury, To meet these demands upon the State, there was in the treasury on the 1st of November last.....	450,305 76
Estimating the receipts into the treasury for the present and ensuing year by the date of the amount received during the last fiscal year, the receipts into the treasury from the 1st of November, 1849, to the same time in 1851, will be	538,792 44
	<hr/>
Total of receipts, including amount on-hand at the year ending 1st November, 1849.....	975,975 16
From this amount deduct the annual disbursements, which are estimated at \$450,305 70 for each fiscal year.....	1,514,767 60
	<hr/>
	900,611 40

Leaving an unexpended balance in the treasury on the 1st of November, 1851, of.....	614,156 20
From this balance it is proper to deduct notes of State bank and branches in the treasury on the 1st of November last.	438,016 00

Estimated balance in the treasury on the 1st of November, 1851. 176,140 20

The foregoing exhibit shows the estimated results of the financial operations of the State through the Executive departments for the two fiscal years commencing on the 1st of November, 1849.

There are remaining assets of the State bank and branches now partly available, to-wit :

United States six per cent. stocks.....	\$1,100,000 00
Amount of debts estimated good.....	1,221,000 00
Cash unexpended, as per report of the bank commissioner on the 1st of November last.....	564,314 64

Total of assets \$2,885,314 64

From this amount it is proper to deduct the amount of outstanding circulation, which, as per report of bank commissioner, was, at the beginning of the present fiscal year..... 618,407 00

Leaving a balance of assets on hand of \$2,266,907 64, applicable to a further reduction of the State debt ; which, when judiciously applied to that object, it is believed, that the receipts into the treasury, under the present or proposed revenue law, will be more than sufficient to meet all the demands upon it, including the interest upon the foreign and domestic debt, and the ordinary expenditures of the government.

From the foregoing expose and exhibits of our financial affairs, your committee have deemed it inexpedient to increase the rates of taxation, and in the bill which they have reported to the House for raising a revenue, it has been the object of the committee to simplify, as far as practicable, the mode of assessment, and to relieve the existing law of many of its complex and objectionable provisions, without any material change in the rates imposed.

No public necessity, it is believed, at present demands any increase of the burdens imposed upon the people ; the available means of the State are ample for the purpose of meeting its immediate liabilities ; and we do not think it consistent with the true interests of the State now to provide, by increased taxation, for the speedy redemption of our State bonds. With the State this is a question of policy only, which it can dispose of as it

interest and convenience may suggest, without subjecting to doubt or suspicion its honor or integrity. By the terms upon which our public stocks were issued, they were made redeemable at the pleasure of the State; and in the fulfilment of its public obligations, it may consult policy and expediency, without disregarding its pledges of fidelity. The accruing interest upon our bonds is all that our creditors have a reasonable right to claim upon the terms of the contract, and these demands have hitherto, on the part of the State, been faithfully discharged.

Your committee, however, do not contemplate or propose an indefinite postponement of the payment of the principal of the State bonds. But, however desirable it may be that the State should, as early as practicable, be relieved from the oppressive burdens of debt which hang heavily upon its prosperity, it is believed by your committee that it is not proper now to provide by taxation a fund for that object. The improving state of our financial condition, contrasted with the financial affairs of the State through past years, indicates a dawning prosperity with the people of the State, and suggests to your committee, that to the future may be safely left the task and the duty of providing for the liquidation of our State bonds, and of vindicating its plighted faith.

All of which is respectfully submitted.

JOHN W. BRIDGES, Chairman.

On motion of

Mr. Jemison, the report was laid on the table, and 5,000 copies ordered to be printed.

Mr. Perkins, from the committee on the State bank and branches, to whom was referred the memorial of Daniel M. Riggs, reported a bill for the relief of Daniel M. Riggs, which was read and ordered to a second reading.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill requiring the judge of the second judicial circuit to continue the court two weeks for the county of Coosa, at the next term, reported a substitute in lieu of the original bill, which was adopted.

The bill was read the second time and ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred so much of the governor's message as relates to the suit of the State against the branch of the bank of the State of Alabama, at Huntsville, and the accompanying documents, reported, that it appears from the message and documents referred to your committee, that some time in the year 1842, the branch bank at Huntsville was required by the comptroller, J. C. Vandyke, to pay its quota towards defraying the expenses of the State government, and in part payment of the same, the cashier of that

bank, James Penn, made out and forwarded to the comptroller a check on the branch bank at Mobile, for \$6,220 45-100, payable to J. C. Vandyke, then comptroller. This check was endorsed by J. C. Vandyke and C. Hopkins, and paid by the branch bank at Mobile, and the money did not go into the State treasury, and was not used for the State. On the discovery of these facts, some years afterwards, the governor, on the 20th of January, 1849, more than six years after the payment of the check, submitted the facts to the attorney general for his opinion and advice. By the advice of the attorney general, suit was brought against the branch bank at Huntsville, in the circuit court of Madison county, to recover the amount of this check. Silas Parsons, Esq., was employed by the governor to prosecute the suit in behalf of the State, with the understanding that he was to recover such fee for his services as the legislature might think proper to allow. Since the appointment of Mr. Parsons as judge of the supreme court, Mr. Cabiness has been employed to prosecute the suit, with the same understanding as to his fee. The bank commissioner thought proper to resist the payment of the money, and the suit is yet pending. It appears that the suit was brought under the impression that it was necessary for the State to recover a judgment for the money against the bank, before the bank could proceed to recover it from Penn and his securities.

Your committee have not sufficient information as to the facts of the case, to enable them to form an opinion as to the liabilities of Penn and his securities. Be this as it may, it appears to your committee to be very certain that the said suit, now pending, ought not to be continued longer than the next circuit court of Madison county.

If the State is not entitled to recover in the case, the suit ought to be dismissed; if it is entitled to recover, the bank commissioner ought not to resist such a recovery, but should allow a judgment to go against the bank.

Any further litigation of this case could only have the effect of increasing and accumulating the cost which in every event would come out of the effects of the State.

Your committee are not sufficiently advised of the facts of the case, or of the services rendered by the attorneys, to form any opinion as to the fee which should be allowed the attorneys. The bank commissioner, from his official character and his possession of books and papers of the bank, would probably be the best judge as to the ultimate liability of Penn and his securities to pay this money to the bank. In the event of a recovery by the State against the bank, it appears to your committee that it would be most expedient to authorise the bank commissioner to dispose of this suit either by having it dismissed, or allowing judgment to be rendered against the bank, at the next term of the

circuit court. For this purpose, the committee submit herewith, joint resolutions, and recommend their adoption.

The joint resolutions offered by Mr. Jones, were read and the constitutional rule being suspended, were read the second and third times forthwith, and passed.

And the House then adjourned.

AFTERNOON SESSION, January 8th, 1850.

The House met pursuant to adjournment.

Mr. Jemison (by leave,) introduced a bill to loan a portion of the three per cent. fund to the Tuscaloosa plank road company, and for other purposes, which was read and ordered to a second reading.

The House then resumed the consideration of the special order, it being the bill to regulate judicial proceedings in Alabama.

The question recurred on the motion of

Mr. N. Davis, to indefinitely postpone the bill and amendment offered by Mr. Bridges, which prevailed. Yeas 51; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Blevins, Brasher, Camp, Chisolm, Cooper, Creagh, Crews, A. R. Davis, L. R. Davis, N. Davis, Foscue, Franks, Gates, Goldsby, Goodman, Groce, Hatcher, W. Hendrix, Hill, Irby, James, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McLeod, Neal Patton, Perkins, Rather, Reynolds, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Whatley, Williams, Wilson and Wright—51.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Cain, Coleman, Coupland, Critcher, Corsbie, Gardner, Gazzam, Gunter, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, J. H. King, McCall, McMullen, Perryman, Pickett, Quinn, Reese, Rives, Rowe, Ryan, Skelton, Simmons E. L. Smith,, Thorn, Wood and Young.—40.

Mr. James, from the committee on federal relations, to whom was referred the bill to prevent the introduction of slaves into this State from States and Territories preparing to emancipate, reported adversely thereto, which was concurred in.

Mr. James, from the same committee, to whom was referred so much of Governor Chapman's message, as referred to the agency appointed to settle the accounts with the United States, in relation to the two and three per cent. fund, reported:

That the subject has been referred to a select committee; and asked to be discharged from the further consideration of the matter, which was concurred in.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill to change the time of holding the county court of

Limestone, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bills to change the time of holding the chancery court for the 8th district, for the southern chancery division of Alabama, and to explain an act therein named, and require grand jurors to have witnesses sworn as to the motives influencing them, reported adversely thereto, which reports were severally concurred in.

Mr. Jones, from the same committee, to whom was referred the bill to require bailiffs' certificates to be received in payment of county tax in the county of Butler, reported a substitute, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill more effectually to provide for the protection of grand jurors, petit jurors and witnesses, reported the same back, and the bill was ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill amending the law as to service of writs, reported adversely thereto, which was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill to repeal certain laws now in force, reported adversely thereto.

Mr. Humphreys moved to lay the report on the table, which motion prevailed, and the bill was laid on the table.

Mr. Jones, from the same committee, to whom was referred the bill to regulate the rights of appeal to the supreme court, reported adversely thereto.

On motion of Mr. Gates, the report was laid on the table.

Mr. Baker moved to amend the bill by striking out "six months" and inserting "twelve months," which motion prevailed, and the bill was ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to protect factors and commission merchants, reported adversely thereto.

Mr. Wm. Hendrix moved to lay the report on the table.

The question being divided, was taken on each branch separately and lost.

And pending the question on concurring in the report, the hour of 5 having arrived, the House adjourned.

WEDNESDAY, January 9th, 1850.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a communication from the adjutant and inspector general, which was referred to the committee on the military.

Mr. Crews offered the following resolution, which was adopted :

Resolved, That, with the concurrence of the Senate, the two Houses will assemble in the hall of the House on Saturday, 12th inst., at the hour of 12, M., for the purpose of electing a secretary of state, a comptroller of public accounts and state treasurer and trustee of the university, to fill out the unexpired terms of Thomas Wiley, of the 2d ; Felix G. Norman, of the 4th ; Robert Scott, of the 5th ; and Benjamin F. Porter, of the 3d judicial circuits.

The bill from the Senate for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes, was read the third time and passed. Yeas 56 ; nays 35.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, Hough, Jemison, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Perryman, Reynolds, Rives, Rowe, Skelton, E. L. Smith, Stone, Storrs, Swanson, Turner, Whatley, Williams, Wright and Young—56.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Cain, Coleman, Corsbie, L. R. Davis, Edwards, Foscue, Franks, Hall, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, Kendrick, J. H. King, Murphy, Patton, Pickett, Quinn, Rather, Reese, Ryan, Simmons, Thorn, Walker, Watkins, Wilson and Wood—35.

Mr. Patton offered an amendment to the rules of the House, which lies over one day :

That after the adoption of this rule reports of committees shall be in order every Friday morning, at 10½, A. M., and the general orders of the day on every Saturday, at 10½, A. M.

On motion of

Mr. N. Davis, the House resolved itself into a committee of the whole House on the revenue bill ; (Mr. N. Davis in the chair,) which, after some time spent in deliberation, rose, and through their chairman, asked leave to sit again.

Mr. J. H. King, (by leave) from the committee on internal improvements, to whom was referred the bill to incorporate the Alabama and Georgia rail road company, together with the amendment offered by Mr. Cooper, reported adversely to the amendment, and recommended the passage of the bill, which was concurred in, and the bill read the third time and passed.

The hour of twelve having arrived, the Senate, by invitation, appeared in the hall of the House, and the two houses in con-

vention proceeded to the election of a judge of the county court for the county of Coffee.

J. Hosea Calloway alone being in nomination, and who having received the whole number of votes cast, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court for the county of Coffee, for the term prescribed by the constitution.

2. A judge of the county court for the county of Shelby.

John M. McClanahan alone being in nomination, and who having received the whole number of votes cast, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court for the county of Shelby, for the term prescribed by the constitution.

3. A judge of the county court for the county of Barbour.

Mr. John Jackson alone being in nomination, and who having received a majority of the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the county court of Barbour, for the term prescribed by the constitution.

Those who voted for Mr. Jackson are, Messrs. President, Abercrombie, Beckett, Brindley, Buford, Cocke, Coggin, Compton, Edwards, Frazier, Fleming, Garland, Garrett, Godbold, Gunn, Kelly, Matthews, O'Neal, Stephenson, Storrs, Stewart, Tarrant, Ware and Watrous, of the Senate—24. Messrs. Speaker, Blevins, Camp, Cooper, Corsbie, Gardner, Gates, Groce, Hardwick, Hatcher, Heflin, W. Holly, Hough, Jemison, Jones, Kendrick, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McLeod, Murphy, Neal, Patton, Reynolds, Rives, E. L. Smith, Stone, Storrs, Swanson, Watts, Whatley and Wood, of the House—36.

Messrs. Aldridge, Ashley, Baker, Barrow, Brasher, Cain, Chisolm, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gonder, Gunter, Hall, M. Hendricks, W. Hendrix, Hill, A. Holly, Hudson, Humphreys, Kennedy, M. A. King, McGuire, McMullen, Perryman, Pickett, Rather, Reese, Rowe, Ryan, Skelton, Simmons, Thorn, Turner, Walker, Watkins, Williams, Wood and Wright, voted for Mr. Gardner.

Mr. Boon, for Mr. McCall.

Mr. J. H. King, for Mr. Barry.

4th. A judge for the county court of Covington, Mr. Andrew B. Miley alone being in nomination.

Those who voted for Mr. Miley are, Messrs. President, Abercrombie, Beckett, Brindley, Buford, Cocke, Coggin, Compton, Edwards, Frazier, Garland, Garrett, Godbold, Gunn, Judge, Kelly, Matthews, O'Neal, Stephenson, Stewart, Storrs, Tarrant, Ware and Watrous, of the Senate—23. Messrs. Adams,

Aldridge, Ashley, Austin, Baker, Barrow, Camp, Chisolm, Cooper, Coupland, Corsbie, L. R. Davis, Foscue, Franks, Gates, Gonder, Groce, Gunter, Hardwick, Hatcher, Heflin, Hill, A. Holly, W. Holly, Hough, Jemison, Jones, Kendrick, J. H. King, M. A. King, McCall, McCollum, McDonald, McGuire, McLeod, Murphy, Patton, Perryman, Pickett, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Storrs, Swanson, Thorn, Watkins, Whatley, Watts and Wood, of the House—52.

Messrs. Benbow, Blevins, Boon, Brasher, Cain, Coleman, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Edwards, Gardner, Hall, M. Hendricks, W. Hendrix, Hudson, Humphreys, Lea, McMullen, Quinn, Williams, Wilson, Wright and Young, voted for Mr. A. Holly.

Mr. Ligon voted for Mr. Rather.

Mr. Rather voted for Mr. Ligon.

Mr. Miley having received a majority of all the votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected for the term prescribed by the constitution.

5th. A judge for the county court for the county of Dale, Mr. Benjamin Waldin alone being in nomination.

Those who voted for Mr. Waldin are, Messrs. President, Beckett, Brindley, Buford, Cocke, Compton, Frazier, Garrett, Gunn, Judge, Kelly, Matthews, Stephenson, Stewart, Storrs, Tarrant, Ware and Watrous, of the Senate—17. Messrs. Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, A. R. Davis, Gates, Hardwick, Heflin, Jemison, Kendrick, J. H. King, Lea, Lockwood, McDonald, McLeod, Neal, Patton, Perryman, Reynolds, Rowe, Skelton, Simmons, E. L. Smith, Stone, Thorn, Watkins, Whatley and Wood, of the House—32.

Messrs. Garland and O'Neal, of the Senate, Messrs. Adams, Aldridge, Austin, Baker, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Goldsby, Groce, Gunter, Hall, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Kennedy, M. A. King, Ligon, McCall, McGuire, McMullen, Murphy, Perkins, Pickett, Quinn, Rather, Reese, Rives, Ryan, Storrs, Swanson, Turner, Walker, Watts, Williams, Wilson, Wright and Young, voted for Col. Boon.

Col. Boon having received a majority of the whole number of votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected judge of the county court of Dale county, for the term prescribed by the constitution.

The Senate then retired, and the House resumed its labors.

Mr. Ryan, (by leave) from the committee on retrenchments, to whom was referred the bill disallowing members their *per diem* in certain cases therein named, reported a substitute, which was adopted. Yeas 65; nays 21.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Bridges, Cain, Camp, Coleman, Cooper, Coupland, Crews, Critcher, Corsbie, A. R. Davis, Foscue, Franks, Gardner, Gates, Hall, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, Irby, James, Jamison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lockwood, McCall, McDonald, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Rather, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Storrs, Thorn, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright, Young—65.

Those who voted in the negative are, Messrs. Baker, Brasher, Chisolm, L. R. Davis, N. Davis, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, W. Hendrix, Hudson, Humphreys, Lea, McCollum, McGuire, Perkins, Quinn, Swanson and Turner—21.

Mr. Perkins moved to amend by adding, "unless leave of absence be granted by the House of which he is a member ;" which was carried. Yeas 47 ; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Austin, Baker, Barrow, Boon, Brasher, Cain, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, W. Hendrix, Hill, Hudson, Humphreys, Kendrick, Kennedy, Lea, McCall, McCollum, McGuire, Murphy, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Skelton, E. L. Smith, Swanson, Turner, Wright and Young—47.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Ashley, Benbow, Bridges, Camp, Coleman, Coupland, N. Davis, Foscue, Gates, Hall, Heflin, M. Hendricks, A. Holly, W. Holly, Hough, James, Jamison, Jones, J. H. King, M. A. King, Lockwood, McDonald, McMullen, McLeod, Neal, Patton, Reynolds, Rives, Rowe, Ryan, Simmons, Stone, Storrs, Thorn, Watkins, Whatley, Williams, Wilson and Wood—42.

The question recurred on ordering the bill to a third reading ; pending which question,

The House adjourned.

AFTERNOON SESSION, January 9th, 1850.

The House met pursuant to adjournment.

The question recurred on ordering the bill disallowing members their *per diem* in certain cases, to a third reading.

Mr. N. Davis moved to postpone the further consideration of the bill until to-morrow, at 12, M.

Mr. Hill moved to amend by substitute, as follows :

That from and after the passage of this act, it shall not be lawful for any member of the legislature of Alabama, to receive

his *per diem* pay for any days on which he may fail to attend upon the body of which he is a member: *Provided, however,* That this provision shall not extend to cases of members absenting themselves with leave of the House, on account of sickness of himself or any one of his family, or on account of any sudden grief or distress that may come upon himself or family; but shall be so construed only as to prevent their *per diem* allowances when they are absent on their private or public business transactions of life, or on trips of pleasure.

Mr. M. A. King moved to lay the bill and substitute on the table.

Mr. Hill called for a division of the question, which was first taken on laying the substitute on the table, and lost. Yeas 39; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Austin, Baker, Benbow, Bridges, Coleman, Coupland, Creagh, Corsbie, A. R. Davis, N. Davis, Franks, Gardner, Gates, Goodman, Heflin, W. Hendrix, James, Jemison, Jones, Kennedy, M. A. King, Lea, Lockwood, McCollum, McDonald, McLeod, Perkins, Reynolds, R. H. Smith, Thorn, Turner, Walker, Watkins, Wilson, Wood, Wright and Young—39.

Those who voted in the negative are, Messrs. Aldridge, Barrow, Boon, Brasher, Cain, Camp, Chisolm, Cooper, Crews, Critcher, L. R. Davis, Edwards, Groce, Hall, Hardwick, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Humphreys, J. H. King, McCall, McMullen, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Whatley and Williams—40.

And then on laying the bill on the table, and carried. Yeas 45; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Austin, Benbow, Camp, Chisolm, Greagh, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Goldsby, Goodman, Groce, Heflin, W. Hendrix, Hough, Humphreys, James, Jemison, Jones, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McLeod, Patton, Perkins, Reynolds, R. H. Smith, Swanson, Thorn, Turner, Walker, Watkins, Whatley, Wilson, Wood, Wright and Young—45.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Baker, Barrow, Boon, Bridges, Cain, Cooper, Coupland, Crews, Critcher, Edwards, Foscue, Hall, Hardwick, M. Hendricks, Hill, A. Holly, W. Holly, Kendrick, Kennedy, McCall, McCollum, Murphy, Neal, Perryman, Pickett, Quinn, Rather, Reese, Rowe, Ryan, Skelton, Simmons, E. L. Smith and Stone—37.

Mr. Humphreys (by leave,) from the committee on State bank and branches, to whom was referred the bill to extend the public

debt, about to fall due, reported a substitute to the bill, which was adopted.

Mr. Baker moved to postpone the further consideration of the bill until Friday next, at 12, M., and that it be made the special order for that hour, which motion was lost, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Humphreys offered the following resolution :

Resolved, That the State treasurer and comptroller be and they are hereby required to deliver to the House of Representatives all the State bonds not cancelled in their offices respectively.

Mr. Bridges moved to amend said resolution as follows :

Resolved, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, for the purpose of ascertaining the amount of State bonds on hand, in the offices of secretary of state and treasurer, and that they report the facts to their respective houses, which was adopted, and the resolution so amended was adopted.

Mr. M. A. King, from the committee on propositions and grievances, to whom were referred the bills :

For the relief of Thomas B. Jones, jailor of Macon county :

For the relief of Mary Martin, of Perry county :

To emancipate a certain slave therein named :

Reported the same back, and said bills were severally ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of Alfred Wilson, of Fayette county, reported adversely thereto.

Mr. M. A. King, from the same committee, to whom was referred the bill to change the names of certain persons therein named, reported a substitute for said bill, and the bill ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Betsey Bartlett, of Pike county, reported adversely thereto.

Mr. McLeod moved to lay the report on the table, which was carried.

Mr. Cooper moved to refer the bill to the committee on the judiciary, which was carried.

And the House adjourned.

THURSDAY, January 10, 1850.

The House met pursuant to adjournment.

A bill from the Senate authorising the bail of slaves in certain cases, was taken from the message and read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Jones moved to refer the bill to the committee on the judi-

ciary, which motion was lost and the bill was ordered to a third reading.

The bill from the Senate for the relief of deaf, dumb and blind persons in the State of Alabama, was taken from the message and read, and ordered to be read the second time.

Bills were introduced by :

Mr. McDonald, for the relief of Mary Jane Harriss :

Mr. Cooper, authorising the commissioners' court of Cherokee county to purchase a certain tract of land, and for other purposes :

Mr. W. Hendrix, to change the names of certain persons :

Mr. R. H. Smith, to change the time of holding the winter term of the county court of Sumter county :

Mr. Jemison, to authorise John R. Drish to sell certain negroes therein named, the property of his ward, Helen Drish Whiting.

Mr. Bridges, to regulate the trial of State cases in the circuit court of Wilcox county.

Said bills were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

Bills were introduced by :

Mr. Hall, to provide substitutes for the original journal and acts of the Legislature, which have been lost or damaged :

Mr. Ligon, for the relief of W. W. Greenwood, of the county of Macon :

Mr. Rives, granting the sheriff of Montgomery county two public sale days in each month :

Mr. Heflin, to facilitate the partition of estates held in joint tenancy, coparcenary, and in common :

Said bills were severally read and ordered to a second reading.

Mr. Patton introduced a bill to amend an act to incorporate the Florence bridge company, which was read and referred to a select committee to be composed of the delegations from Limestone, Lawrence, Franklin and Lauderdale.

Mr. Creagh presented the petition of citizens of Perry and Marengo, which was referred to a select committee to be composed of the delegations from Perry and Marengo and Greene.

Mr. Lockwood presented a petition for the relief of Joseph Phillips, which was referred to the committee on propositions and grievances.

Mr. Adams introduced a bill to affix a salary to the office of judge of the county court, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the judiciary.

Mr. Rives presented the accounts of R. & R. Williams, Thos. De Wolf, and H. W. Farley & Co., which were severally referred to the committee on accounts.

Mr. Baker presented the account of Thomas W. O'Neal, jailor of Russell county, which was referred to the committee on accounts.

Mr. Hudson introduced a bill for the relief of A. Sawyer, *et al.*, securities of William Campbell, late tax collector of Randolph county, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on propositions and grievances.

Mr. Jemison introduced a bill to incorporate the North Port plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to a select committee, to be composed of the delegation from Tuskaloosa.

Mr. Perkins presented the petition of citizens of Tuskaloosa county, which was referred to the committee on privileges and elections.

On motion of

Mr. R. H. Smith, the bill in relation to presentation of claims against the estates of deceased persons, was taken from the table and made the special order for Monday next, at 10½ o'clock, A. M.

The following resolution from the Senate was concurred in :

Resolved, 'That the House of Representatives be requested respectfully to return to the Senate Professor Toumey's report.

The hour of 10½ A. M. having arrived, the House went into a committee of the whole on the revenue bill, Mr. N. Davis in the chair.

After some time spent in deliberation, the committee rose, reported progress, and through their chairman obtained leave to sit again.

And then the House adjourned.

AFTERNOON SESSION, January 10th, 1850.

The House met pursuant to adjournment.

The House went into a committee of the whole on the revenue bill, Mr. N. Davis in the chair.

After some time spent in deliberation, the committee rose and reported progress, and asked and obtained leave to sit again.

On motion of

Mr. Bridges, the report of the committee was laid on the table until to-morrow, at 10½ o'clock, A. M.

The question then recurred on concurring in the report of Mr. Jones, from the committee on the judiciary, to whom was referred bill to protect the factors and commission merchants, who reported adversely thereto. The report was concurred in.

Mr. Jones, from the same committee, to whom was referred the bills :

To amend an act entitled an act to regulate presentments for grand juries for misdemeanors:

To regulate punishments for assaults, assaults and batteries, and affrays:

To require justices of the peace to return papers, reported adversely thereto.

The reports were severally concurred in.

Mr. Jones, from the same committee, to whom was referred the petition of James Clemons and many others, of Madison county, reported adversely thereto. The reports were concurred in.

Mr. Jones, from the same committee, to whom was referred the bill in relation to guardians, reported the bill back with amendment. The amendment was concurred in and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to more effectually quiet the possession of personal property, and to prevent taking possession of by fraud or violence, reported adversely thereto. Report was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill from the Senate for the more effectual prosecution of persons trading illegally with slaves, reported the same back with amendments. The amendments were concurred in.

Mr. McCollum moved to amend the bill as follows:

"Provided, the provisions of this act shall not apply to the county of Fayette."

Mr. J. H. King moved to lay the bill and amendment on the table, the question being divided, was first taken on the amendment and carried, then on the bill and lost. And the bill was ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to amend the laws pertaining to dower, reported adversely thereto. The report was concurred in.

Mr. Jones, from the committee to whom was referred the bill concerning the construction of wills, reported the bill back, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. Jones, from the same committee, to whom was referred the bill to prevent delay in collection of debts, reported the bill back.

Mr. Gardner moved to amend by striking out the words "section one hundred and seventeen," which motion prevailed.

Mr. Camp moved to lay the bill on the table, which motion prevailed. Yeas 48; nays 34.

Those who voted in the affirmative are, Messrs. Austin, Benbow, Boon, Brasher, Camp, Chisolm, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, E. R. Davis, Franks, Gardner, Gunter, Hardwick, Hatcher, Wm. Holly, Humphreys, James, Jemison,

Kennedy, M. A. King, Lea, Ligon, McCall, McCollum, McGuire, McMullen, McLeod, Murphy, Neal, Perkins, Perryman, Rather, Reynolds, Rowe, Ryan, Skelton, Simmons, Storrs, Thorn, Walker, Watkins, Williams, Wilson, Wood and Wright—48.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Barrow, Bridges, Cain, Coleman, Crews, Foscue, Gates, Gazzam, Goldsby, Goodman, Groce, Heflin, W. Hendrix, A. Holly, Hough, Hudson, Jones, Kendrick, J. H. King, Lockwood, McDonald, Patton, Pickett, Quinn, Reese, Rives, R. H. Smith, Swanson and Whatley—34.

Mr. Humphreys, from the committee on the State bank and branches, to whom was referred the bill to reduce the salaries of bank attorneys, reported the bill back.

Mr. R. H. Smith moved to amend the bill as follows:

“That the bank attorneys in the several counties in which the banks may be located, shall receive the same rate of compensation as is by law allowed to local attorneys of said banks.”

On motion of

Mr. Humphreys, the amendment was laid on the table.

Mr. Jones moved to amend the bill as follows:

“That from and after the passage of this act there shall be no regular bank attorneys, but the commissioner and trustee, for closing the business of the bank, may employ any attorney he may think proper, in any case in which the State bank or either of its branches may be interested, and may pay and allow such an attorney any reasonable fee as may be agreed on, or in the absence of said agreement, such fee as may be a reasonable compensation for the services performed.”

On motion of

Mr. Humphreys, the amendment was laid on the table.

Mr. Jones moved to amend the bill by striking out “eight hundred dollars,” and inserting “one thousand dollars,” as the salary of the bank attorney for the county of Mobile, which was lost; and the constitutional rule being suspended, the bill was read the third time forthwith.

Pending the question, shall the bill pass,

The House adjourned.

FRIDAY, January 11, 1850:

The House met pursuant to adjournment.

Mr. Speaker laid before the House a record of divorce, which was referred to the committee on divorce and alimony.

The bills:

Making appropriations to pay certain claims against the State:

Making appropriations to pay certain claims against the State:

To appropriate the sum of three hundred and fifty dollars to pay for printing and advertising for the State:

Were severally read the second time, and the constitutional rule being suspended, were severally read the third time forthwith and passed.

Mr. Barrow, from the select committee to whom was referred the bill to require grand jurors to perform certain acts, and for other purposes, with instructions to report a bill with reference to the county of Chambers only, reported a substitute for the bill, which was adopted.

On motion of

Mr. Boon, the bill was amended by adding the county of Dale; of

Mr. Gardner, by adding the county of Barbour; of

Mr. Young, by adding the county of Benton; of

Mr. McMullen, by adding the county of Butler; of

Mr. Hudson, by adding the county of Randolph; of

Mr. James, by adding the county of Clarke; of

Mr. Cain, by adding the county of Walker:

And the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. Cooper moved to reconsider the vote by which the House on yesterday concurred in the adverse report of the committee on the judiciary to the bill in relation to dower, which motion was carried and the bill referred to a select committee of five.

The rule heretofore offered by Mr. Patton in relation to the order of business on Fridays and Saturdays, was adopted.

Mr. Lea (by leave) introduced a bill prescribing the mode of electing and defining the duties of tax assessors and collectors, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Lea moved to refer the bill to a select committee, to be composed of one from each judicial circuit, with instructions to report on Tuesday next.

Mr. Bridges moved to instruct said committee to incorporate the subjects and rates of taxation in the bill thereby referred.

Mr. Perkins moved to refer the bill to the committee on ways and means, which motion was lost.

On motion of

Mr. Wilson, Mr. Bridges' instructions were laid on the table and Mr. Lea's motion to refer the bill with instructions was carried.

On motion of

Mr. Baker, the revenue bill reported by the committee on ways and means, and the substitute adopted by the whole House, was taken up and referred to the same committee.

Mr. McGuire (by leave) introduced a bill to raise a revenue and provide for the assessment and collection of taxes, which

was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee raised on this morning.

The question recurred on the passage of the bill to reduce the salaries of bank attorneys. The bill passed.

Mr. Humphreys, from the committee on the State bank and branches, to whom was referred the memorial of Neal Smith, reported adversely thereto. The report was concurred in.

Mr. Hill, from the committee on internal improvements, to whom was referred the bills:

To repeal an act to improve the navigation of the bayou LaBatre, in the county of Mobile:

To incorporate the Mobile and Dog river plank road company:

To authorise Oliver S. Quinn to erect a dam across the Cahawba river:

To authorise William P. Brown to build a toll bridge across the Cahawba river:

To incorporate the Alabama and Florence plank road company:

Reported the same back, and the bills were severally read the second time and ordered to be engrossed for a third reading.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Wedowee and Arbacoochee rail road company, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hill, from the same committee, to whom was referred the bill to alter and amend an act entitled an act to renew and amend an act to establish a board of commissioners for the improvement of the Black Warrior river, and for other purposes, reported the same back.

On motion of

Mr. Perkins, the report and bill were laid on the table.

Mr. Hill, from the same committee, to whom was referred the bills:

As to the propriety of passing laws providing for taking stock in rail roads and plank roads:

An act to repeal an act entitled an act to declare the west prong of the Choctawhatchee river a public highway:

To amend and extend the charter of the Alabama, Florida and Georgia rail road company:

Reported adversely thereto. The reports were severally concurred in.

Mr. Hill, from the same committee, to whom was referred the joint resolutions instructing our Senators in Congress, reported the same back, and the resolutions were adopted.

Mr. Hill, from the same committee, to whom was referred the bills :

To incorporate the Montgomery south plank road company :

To incorporate the Hayneville and Montgomery plank road company :

To incorporate the Florence and Tuscumbia turnpike or plank road company :

Reported the same back, and the constitutional rule being suspended, the bills were severally read the third time and passed.

Mr. Hill, from the same committee, to whom was referred the bill to authorise Alexander T. Mitchell to erect a mill-dam across Chattooga river, reported adversely thereto.

Mr. Cooper moved to lay the report on the table, which was carried, and the bill referred to a select committee, to be composed of the delegation from Cherokee.

Mr. Stone, from the committee on the University, to whom was referred so much of the governor's message as relates to the University, reported a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States.

The memorial was adopted.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of H. W. Abbot, of Mobile county, reported adversely thereto, which was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the petition of C. D. Brown, reported adversely thereto.

Mr. Jones moved to lay the report and petition on the table, which was carried.

Mr. M. A. King, from the same committee, to whom was referred the petition of Thomas Hart, of Morgan county, reported adversely thereto.

Mr. Humphreys moved to lay the report and petition on the table, which was carried.

And then the House adjourned.

AFTERNOON SESSION, January 11th, 1856.

The House met pursuant to adjournment.

Mr. Speaker announced the following select committee on the various revenue bills :

Messrs. Lea, McGuire, Patton, Adams, Jones, R. H. Smith, Watts and Rowe.

Mr. Cooper, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Barbour county, reported a bill for the protection of deer in the county of Barbour.

Mr. Heflin moved to amend the bill as follows :

Provided, nothing contained in said bill shall be so construed as

to prevent any person or persons from killing any wolf or wolves in said county.

Mr. Gardner moved to amend by substitute.

Mr. Edwards moved to lay the whole subject on the table, which motion was lost. Yeas 36; nays 36.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Benbow, Brasher, Camp, Coleman, Coupland, A. R. Davis, Edwards, Franks, Gates, Goodman, Groce, Hall, Hardwick, Heflin, W. Hendrix, W. Holly, Hudson, Kennedy, Lea, McCollum, Neal, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, Skelton, Stone, Swanson and Whatley—36.

Those who voted in the negative are, Messrs. Boon, Bridges, Cain, Chisolm, Cooper, Critcher, Foscue, Gardner, Hill, A. Holly, Hough, Irby, Jemison, Jones, J. H. King, M. A. King, Ligon, McCall, McDonald, McGuire, McMullen, McLeod, Patton, Perryman, E. L. Smith, R. H. Smith, Thorn, Turner, Walker, Watkins, Williams, Wilson, Wood, Wright and Young—36.

The question recurred on the adoption of Mr. Gardner's substitute.

Mr. J. H. King moved to amend as follows:

"Provided, this act shall be so construed as only to prevent the killing of female deer."

Mr. Ryan moved an indefinite postponement of the bill and amendment, which prevailed. Yeas 44; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Benbow, Brasher, Camp, Coleman, Coupland, Critcher, A. R. Davis, N. Davis, Edwards, Franks, Goodman, Groce, M. Hendricks, W. Hendrix, Heflin, A. Holly, W. Holly, Hough, Hudson, Jemison, Kennedy, Lea, McCollum, Neal, Patton, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, Skelton, E. L. Smith, Stone, Storrs, Swanson, Turner and Whatley—44.

Those who voted in the negative are, Messrs. Boon, Bridges, Cain, Chisolm, Cooper, Foscue, Gardner, Gates, Gazzam, Hill, Humphreys, Irby, Jones, J. H. King, M. A. King, Ligon, McCall, McDonald, McGuire, McMullen, Perryman, R. H. Smith, Thorn, Walker, Watkins, Watts, Williams, Wilson, Wood, Wright and Young—32.

Mr. Cooper, from the committee on divorce and alimony, to whom were referred sundry records of divorce, reported a bill divorcing certain persons therein named, which was read and ordered to a second reading.

Mr. Murphy, from the committee on the military, to whom was referred the bill to establish a captain's beat on Lookout mountain, in Cherokee county, reported the same back with an amendment.

The amendment was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Watkins, from the committee on county boundaries, to whom was referred the petition in relation to a change of boundary lines between the counties of Marion and Clarke, and the counties of Pickens and Greene, reported that at the burning of the capitol said petition was either burnt or lost; and ask that they be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged.

Mr. Rather, from the committee on the 16th section fund, to whom was referred the account of Mark Boulware, reported adversely thereto.

The report was concurred in, and the whole subject laid on the table.

Mr. Rather, from the same committee, to whom was referred the petition of inhabitants of township ten, range eleven, in Wilcox county, reported adversely thereto.

The report was concurred in.

Mr. Rather, from the same committee, to whom was referred the joint memorial of the Senate and House of Representatives of the State of Alabama, upon the subject of school lands, reported adversely thereto.

On motion of

Mr. Groce, the report and memorial were laid on the table.

Mr. Groce, from the same committee, to whom was referred the memorial of the Senate and House of Representatives of the State of Alabama, upon the subject of school lands, on the minority, reported the same back.

Mr. Rather moved to lay the memorial and report on the table.

Mr. Groce moved to postpone the further consideration of the subject until Monday next. at 10½ o'clock, and that it be made the special order for that hour.

Mr. M. A. King, from the select committee to whom was referred the bill for the relief of Bradford Hambrick, of Madison county, reported a substitute to the bill, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jemison, from the select committee to whom was referred the bill to incorporate the North Port plank road company, reported the same back with an amendment, which was concurred in, and the constitutional rule being suspended, the bill was read the third time forthwith, and passed.

Mr. Cooper, from the select committee to whom was referred the bill authorising Alexander T. Mitchell, of Cherokee county, to erect a mill-dam across Chattooga river, reported a substitute therefor, which was adopted; and the constitutional rule being suspended, the bill was read the third time forthwith, and passed.

Mr. R. H. Smith, from the special committee to whom was referred the resolution upon the subject of codifying the statutes of this State, and also in regard to the expediency of causing a code of practice for the courts of this State to be prepared, and to whom also was referred so much of the governor's message as relates to the same matters, reported a bill providing for a code of statutes of Alabama, and for the preparation of a code of practice in the courts of this State.

The bill was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Ligon moved to postpone until Wednesday, 10 o'clock, which motion was lost.

Mr. Speaker moved to insert in the blank, the name of J. J. Ormond.

Mr. R. H. Smith moved to insert Harry I. Thornton, which motion was carried; and the bill was ordered to be engrossed for a third reading.

Mr. Jemison (by leave) introduced a bill to provide for the burning certain notes or bills of the State bank and branches, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The resolutions from the Senate for the relief of Charles S. Lucas, of Montgomery county, and the bill from the Senate to incorporate the central plank road company, were taken from the messages of the Senate and read, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

The bill from the Senate to incorporate the Cahawba manufacturing company, was taken from the general orders and read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

The bill from the Senate to appropriate the unappropriated half of the two per cent. fund, was taken from the message of the Senate and read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on internal improvements.

Mr. Ligon offered the following resolution, which was adopted:

Resolved, That, with the concurrence of the Senate, the two houses will proceed to the election of a judge for the 9th judicial circuit; three physicians for the medical board at Florence, and a judge of the county court for the county of Dale, on Friday, the 18th inst., at 12, M.

And then the House adjourned.

SATURDAY, January 12th, 1850.

The House met pursuant to adjournment.

Messrs. Simmons and Gardner obtained leave of absence.

Mr. Humphreys, from the select committee to whom was referred the bill to authorise the mayor and aldermen of the town of Huntsville, to subscribe to the capital stock of the Memphis and Charleston rail road company, reported the same back, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

The bill from the Senate to compensate Thomas L. Brothers for wood and lightwood, furnished the State in 1849, was taken from the message and read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Blevins presented the petition of citizens of Dallas and Perry counties, which was referred to the committee on internal improvements.

Mr. McMullen introduced a bill for the relief of Wm. W. Payne, of Butler county, which was read and ordered to a second reading.

Mr. Thorn introduced a bill to appropriate five thousand dollars of the three per cent. fund, which was read and the constitutional rule being suspended, the bill was read the second time forthwith and referred to the committee on internal improvements.

Mr. M. A. King presented the petition of citizens of Madison and other counties, which was referred to a select committee to be composed of the delegation from Madison, Jackson, Morgan, Limestone, Lawrence, Franklin and Lauderdale.

Mr. M. A. King introduced a bill for the relief of R. M. Kinklé, of Madison county, which was read and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on propositions and grievances.

Mr. Adams introduced a bill for the relief of purchasers of the 16th section in township S, and range 3, in the county of Marshall, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on 16th section fund.

Mr. Lockwood presented the petition of citizens of Mobile county, which was referred to the committee on propositions and grievances.

Mr. Gardner presented the petition of James H. Taylor, of Montgomery county, which was referred to the committee on propositions and grievances.

Also, the petition of citizens of Coosa county, which was referred to the committee on roads, bridges and ferries.

Mr. Ryan introduced a bill to incorporate the Summerville Female Academy, and for other purposes, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. R. H. Smith presented the petition of citizens of Sumter, which was referred to the committee on education.

Mr. Groce introduced a bill to attach a part of Benton to Tal-

Madega county, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the select committee to be composed of the delegation from Talladega and Benton.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill to provide for the assessment and collection of taxes in the county of Covington, reported the same back, and the bill ordered to be engrossed for a third reading.

Mr. Bridges, from the same committee, to whom was referred the bill to amend an act, approved the 6th of March, 1848, to provide for the assessment and collection of taxes, reported adversely thereto. The report was concurred in.

Mr. Bridges, from the same committee, to whom was referred the bill to reduce the license to retail spirituous liquors in this State, reported the same back, and recommended that it be referred to the special committee on the several revenue bills. The report was concurred in, and the bill referred accordingly.

Mr. Blevins, from the committee on corporations, to whom was referred the bill extending the powers of the intendant and council of the town of Eutaw, in Greene county, reported a substitute therefor, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Blevins, from the same committee, to whom was referred the bill to incorporate the preachers' aid society, of the Alabama Conference of the Methodist Episcopal Church South, reported the same back, and the bill ordered to be engrossed for a third reading.

Mr. Blevins, from the same committee, to whom was referred the petition of certain citizens of the town of Dayton, praying for the repeal of their act of incorporation, and to whom was referred also, the petition of certain other citizens of the town of Dayton, praying for the rejection of the petition above mentioned, reported the same back without action, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Blevins, from the same committee, to whom was referred the bill for the benefit of the Most Worshipful Grand Lodge of Ancient Free Masons of Alabama, and its masonic jurisdiction, reported the same back, and the bill ordered to be engrossed for a third reading.

The engrossed bills:

To compensate Hardy Griffin, of Perry county :

To extend the time of leasing the poor house in Butler county :

To require bailiffs' certificates to be received in payment of county tax in Butler county :

To change the time for holding the county court of Limestone :

To establish and incorporate a female literary institution in the county of Perry :

To provide for paying grand and petit jurors in the county of Henry :

To repeal an act therein named, approved 4th February, 1848.

To increase the pay and mileage of grand and petit jurors in the county of Barbour :

To confer certain powers on the Central Masonic Institute of Alabama :

For the benefit of Carrollton female academy :

To repeal in part an act therein named, as to Covington county :

To legalise a certain marriage therein named :

To authorise the orphan's court of Perry county, to take and exercise jurisdiction of the estate of Felix N. Tarrant, deceased :

To provide for drawing a jury for the county court of Covington, and for other purposes :

To incorporate the Florence Marine and Fire Insurance Company :

To incorporate the town of Orion, in the county of Pike :

To incorporate the Choctaw county male and female seminary :

To incorporate the Union bridge company :

To incorporate the stockholders of the Wilcox female institute :

To impose additional duties on the inspectors of the penitentiary :

And joint resolutions in relation to the colors presented to the Alabama battalion :

Were severally read the third time and passed.

The engrossed bill requiring the lessee of the penitentiary to build a hospital and for other purposes, was read the third time and passed. Yeas 70 ; nays 20.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Austin, Baker, Barrow, Blevins, Boon, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Foscue, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Gunter, Hall, Heflin, Wm. Hendrix, Hill, Hough, Hudson, Irby, James, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McLeod, Neal, Patton, Perkins, Perryman, Rather, Reynolds, Rives, Rowe, Ryan, Skelton, F. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Williams, Wilson, Wood and Young—70.

Those who voted in the negative are, Messrs. Aldridge, Benbow, Brasher, Critcher, N. Davis, Edwards, Hatcher, M. Hendricks, A. Holly, W. Holly, Kendrick, J. H. King, M. A. King, McGuire, McMullen, Murphy, Quinn, Reese, Whatley and Wright—20.

The engrossed bill to authorise Green B. Wolley to practice and charge for his services as a physician was read the third time.

Mr. Baker moved to lay the bill on the table, which motion was lost, and the bill passed.

The engrossed bill to incorporate the Pickens Guards was read the third time, and, on motion of Mr. Stone, was referred to a select committee composed of the delegation from Pickens.

The engrossed bill in relation to taxes illegally collected from non-residents, was read the third time.

Mr. Bridges moved to amend by engrossed ryder as follows:

"And the commissioners' courts of the several counties of this State shall in like manner make allowances of, and pay, according to the foregoing provisions of this act, any excess of taxes assessed and collected under any levy of special or county taxes in their respective counties."

Said ryder was read three times and adopted, and the bill was referred to the committee on the judiciary.

The engrossed bill to regulate the right of appeal to the Supreme Court was read the third time.

Mr. Baker moved to amend by engrossed ryder as follows: After "Circuit" insert "Chancery, County and Orphans' Courts," which was read once, and the bill and amendment were referred to a select committee to be composed of one from each judicial circuit.

The engrossed bill:

More effectually to provide for the protection of grand jurors, petit jurors and witnesses, was read the third time.

Mr. Adams moved to amend by engrossed ryder as follows: "Provided the second section of this act shall not apply to the county of Marshall." Which was, on motion of Mr. Critcher, laid on the table.

Mr. Jemison moved to lay the bill on the table, which was lost. Yeas 16; nays 70.

Those who voted in the affirmative are, Messrs. Adams, Baker, Cooper, A. R. Davis, L. R. Davis, Goldsby, W. Hendrix, Jemison, Lee, Ligon, McMullen, Murphy, Pickett, Rowe, Watkins and Watts—16.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Edwards, Foscue, Franks, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, McCall, McCollum, McDonald, McGuire, McLeod, Neal, Patton, Perkins, Perryman, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Whatley, Williams, Wilson, Wood, Wright and Young—70.

And the bill passed. Yeas 73; nays 14.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Goodman, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, M. A. King, McCall, McCollum, McDonald, McGuire, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Watkins, Whatley, Williams, Wilson, Wood, Wright and Young—73.

Those who voted in the negative are, Messrs. Baker, Blevins, Cooper, A. R. Davis, L. R. Davis, Goldsby, W. Hendricks, Jemison, J. H. King, Lea, Ligon, McMullen, Rowe and Watts—14.

The bill from the Senate "providing for the more effectual prosecution of persons trading illegally with slaves, was read the third time.

Mr. Camp moved to amend the bill as follows :

"Provided, that the proprietor of any such house shall not be held liable for any punishment he may inflict on any slave or mulatto, endeavoring to enter such house."

On motion of Mr. Rowe, the said amendment was laid on the table.

Mr. Cooper moved to lay the bill on the table. Yeas 34 ; nays 53.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Brasher, Cain, Camp, Coleman, Cooper, Critcher, L. R. Davis, N. Davis, Edwards, Goldsby, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, J. H. King, Lea, McCollum, McGuire, McMullen, Murphy, Perkins, Quinn, Storrs, Turner, Watkins, Wilson and Wood—34.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Chisolm, Coupland, Creagh, Crews, Corsbie, Foscue, Franks, Gardner, Gates, Goodman, Gunter, Hatcher, Hough, Hudson, Irby, James, Jemison, Jones, Kendrick, Kennedy, M. A. King, Ligon, McCall, McDonald, McLeod, Neal, Patton, Perryman, Pickett, Rather, Reese, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Stewart, Swanson, Thorn, Watts, Whatley, Williams, Wright and Young—53.

Mr. Camp moved to refer the bill to a select committee to be composed of the delegations from Montgomery, Mobile, and Tuskalooza, which motion was lost.

Mr. Aldridge moved to amend the bill by engrossed ryder, as follows :

"Provided, that the provisions of this act shall not extend to the counties of Blount, Fayette, Bibb, DeKalb, Jefferson, Marshall, St. Clair, Coffee, Covington, Limestone, Cherokee, Butler, Walker, Dale and Perry."

Mr. Coupland moved to lay said amendment on the table, which motion was lost. Yeas 20; nays 58.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Bridges, Coupland, Franks, Gardner, Hall, Hatcher, Irby, Jemison, Kendrick, Kennedy, Ligon, Pickett, Rowe, E. L. Smith, Watkins, Watts, Whatley, Wilson and Young—20.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Gates, Goldsby, Goodman, Groce, Hardwick, Heflin, M. Hendricks, Wm. Hendrix, Hill, A. Holly, Wm. Holly, Hough, Hudson, James, Jones, J. H. King, Lea, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Perryman, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, R. H. Smith, Storrs, Swanson, Thorn, Turner, Williams, Wood and Wright—58.

Said ryder was read three times and adopted.

And then the House adjourned.

AFTERNOON SESSION, January 12th, 1850.

The House met pursuant to adjournment.

Mr. Humphreys moved to suspend the rule requiring the House to adjourn at 5, P. M., which motion prevailed. Yeas 45; nays 33.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Benbow, Blevins, Boon, Cain, Camp, Chisolm, Coleman, Coupland, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Groce, Hall, Heflin, M. Hendricks, Wm. Hendrix, Wm. Holly, Hudson, Humphreys, M. A. King, Lea, Ligon, McCall, McCollum, McGuire, McMullen, Murphy, Perkins, Perryman, Rather, Rives, Ryan, Skelton, Stone, Storrs, Turner, Watkins, Wright, Williams and Young—45.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Baker, Barrow, Brasher, Bridges, Coupland, Creagh, Crews, N. Davis, Foscue, Gates, Hardwick, Hatcher, A. Holly, Hough, Irby, James, Jemison, Kendrick, J. H. King, McDonald, McLeod, Neal, Quinn, Rowe, E. L. Smith, R. H. Smith, Thorn, Watts, Whatley, Wilson and Wood—33.

On motion of

Mr. Ryan, the House adjourned. Yeas 43; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Boon, Cain, Camp, Chisolm, Coleman, Cooper, Critcher,

A. R. Davis, L. R. Davis, Edwards, Gardner, Goldsby, Groce, Heflin, M. Hendricks, W. Hendrix, W. Holly, Hudson, Humphreys, M. A. King, Lea, Ligon, McCall, McCollum, McGuire, McMullen, Murphy, Neal, Perkins, Rather, Rives, Ryan, Skelton, Stone, Storrs, Turner, Watkins, Watts, Williams, Wright and Young—45.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Barrow, Benbow, Blevins, Bridges, Coupland, Creagh, Crews, N. Davis, Foscue, Franks, Gates, Hall, Hardwick, Hatcher, A. Holly, W. Holly, Hough, Irby, James, Jemison, Jones, Kendrick, J. H. King, McDonald, McLeod, Perryman, Quinn, Rowe, E. L. Smith, R. H. Smith, Thorn, Whatley, Wilson and Wood—36.

MONDAY, January 14, 1850.

The House met pursuant to adjournment.

James A. Cody, a Representative elect from the county of Marion, appeared within the hall of the House, was qualified and took his seat.

Petitions were presented by :

Mr. Gardner, of citizens of Barbour and Henry counties; referred to the committee on county boundaries :

Mr. Gates, of Sarah S. D. Riddle; referred to the committee on the judiciary :

Mr. Gazzam, of citizens of Mobile; referred to the committee on propositions and grievances :

Mr. Lockwood, of Henry Hunt and Wm. H. Redicoon; referred to the same committee :

Mr. Hudson, of C. G. Cooper, et al.; referred to the same committee.

Mr. Whatley introduced a bill for the relief of the citizens of township 16, range 7, east, in Benton county, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the sixteenth section fund.

Mr. Kennedy introduced a bill to incorporate the Oak Bowery Female College, under the direction and control of the Alabama Conference of the Methodist Episcopal Church South, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Goodman moved to amend the bill by striking therefrom the section preventing the retailing of spirituous liquors within two miles of said college.

On motion of

Mr. Gazzam, the bill and proposed amendments were referred to the committee on corporations.

The bill in relation to the presentation of claims against deceased persons was ordered to be engrossed for a third reading.

Mr. N. Davis (by leave,) offered the following resolution, which was adopted.

Resolved, That the proprietor of the Exchange Hotel be requested to put up in this hall, two stoves, and present his account to the committee on accounts.

Mr. Williams presented the account of the sheriff of Marengo county.

Mr. Rives, the account of W. J. Bibb, which were severally referred to the committee on accounts.

The House concurred in the amendment of the Senate to the bill to incorporate the Alabama and Georgia rail road company.

Mr. Ashley introduced a bill to regulate the application of the 16th section fund by the commissioners and trustees of the townships and school districts in this State, which was read and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the 16th section fund.

Mr. McCollum introduced a bill for the relief of Alfred Wilson, of Fayette county.

Mr. Hudson introduced a bill to continue in power an act heretofore passed and approved the 1st day of January, 1848, to authorise the Governor to appoint an agent to audit and settle the account with the U. S. Government and the State of Alabama.

Mr. Lockwood introduced a bill for the prevention of fraud in the collection of cost in certain cases.

Mr. Reese introduced a bill to incorporate the Opelika and Dudleyville plank road company.

Said bills were severally read and ordered to a second reading.

Mr. Coupland introduced a bill to declare Short creek a public highway, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed to the committee on internal improvements.

Mr. Creagh introduced a bill to incorporate the Marengo plank or covered road company, which was read and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on internal improvements.

The special order for 10½ o'clock, it being the joint memorial to the Congress of the United States, upon the subject of school lands, was, on motion of Mr. Groce, postponed and made the special order for Thursday next, at 10½ o'clock.

Mr. Creagh moved to suspend the special orders of the day to enable him to introduce the following resolution :

Resolved, That, with the concurrence of the Senate, the two houses of this General Assembly will adjourn *sine die* on the first day of February instant.

The motion to suspend prevailed. Yeas 62; nays 20.

Those who voted in the affirmative are, Messrs. Speaker, Ad-

ams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Coupland, Creagh, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gazzam, Goodman, Gonder, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Irby, James, Kennedy, J. H. King, M. A. King, Lea, McCall, McMullen, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, E. L. Smith, Stone, Swanson, Thorn, Watkins, Watts, Whatley, Wilson, Wood, Wright and Young—62.

Those who voted in the negative are, Messrs. Baker, Blevins, Cooper, Gonder, Goldsby, Hall, Hudson, Jones, Kendrick, McCollum, McDonald, McGuire, McLeod, Murphy, Perkins, Rowe, Ryan, Skelton, Simmons and Turner—20.

Mr. Patton moved to amend the resolution by striking out the 1st day of February, and inserting the 10th.

Mr. Hall moved to lay the resolution and amendment on the table, which motion was lost. Yeas 34; nays 49.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Blevins, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Gardner, Gates, Goldsby, Hall, Hudson, James, Jones, McCollum, McDonald, McGuire, McLeod, Murphy, Perkins, Rowe, Ryan, Simmons, Storrs and Turner—34.

Those who voted in the negative are, Messrs. Ashley, Austin, Benbow, Boon, Coupland, Creagh, N. Davis, Foscue, Franks, Gazzam, Goodman, Gonder, Groce, Hardwick, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Humphreys, Irby, Jemison, Kendrick, Kennedy, J. H. King, Lea, McCall, McMullen, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Skelton, E. L. Smith, Stone, Swanson, Thorn, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—49.

Mr. Jones moved to postpone the further consideration of the resolution until the 25th inst., which motion was lost. Yeas 42; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Benbow, Blevins, Brasher, Cain, Camp, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Gardner, Gates, Goldsby, Gonder, Groce, Hall, M. Hendricks, W. Hendrix, Hudson, James, Jones, Kendrick, Kennedy, Lockwood, McCollum, McDonald, McGuire, McMullen, Perkins, Rather, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Turner, Watts and Williams—42.

Those who voted in the negative are, Messrs. Ashley, Austin, Barrow, Boon, Chisolm, Cody, Coleman, Cooper, Coupland, Creagh, N. Davis, Foscue, Franks, Gazzam, Goodman, Hardwick, Heflin, Hill, A. Holly, W. Holly, Hough, Humphreys, Jemison,

J. H. King, Lea, McCall, McLeod, Patton, Perryman, Pickett, Quinn, Reese, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Watkins, Whatley, Wilson, Wood and Wright—12.

The question recurred on striking out the first day of February, which motion was lost. Yeas 32; nays 53.

Those who voted in the affirmative are, Messrs. Benbow, Blevins, Camp, Cooper, Coupland, Corbie, L. R. Davis, Gates, Goldsby, Hill, Hudson, Irby, Jones, Kennedy, McGuire, McMullen, McLeod, Patton, Perkins, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, R. H. Smith, Storrs, Turner, Watkins, Watts and Williams—32.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Barrow, Boon, Brasher, Cody, Cain, Chisolm, Coleman, Creagh, Critcher, N. Davis, Foscue, Franks, Gardner, Gazzam, Goodman, Gonder, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Humphreys, James, Jemison, Kendrick, J. H. King, M. A. King, Lea, Lockwood, McCall, McCollum, Murphy, Perryman, Pickett, Quinn, Rather, Reese, E. L. Smith, Stone, Swanson, Thorn, Whatley, Wilson, Wood and Wright—53.

Mr. Gardner moved to postpone the said resolution indefinitely.

Mr. Jones moved to postpone until Monday next, which motion prevailed.

The House then resumed the consideration of the resolutions heretofore offered by Humphreys.

Mr. Cooper moved to postpone the further consideration of the resolutions until Tuesday next, and make them the special order for 11 o'clock, for said day.

On motion of

Mr. Hall, the said resolutions were postponed until the first Monday in February.

On motion of

Mr. Watts, the joint resolutions to abolish the white basis were taken up.

Mr. Goldsby moved to lay them all on the table.

Mr. Wilson moved their postponement until the first Monday in February next.

Pending which question,

The House adjourned.

AFTERNOON SESSION, January 14th, 1850.

The House met pursuant to adjournment.

The engrossed bill for the benefit of the Most Worshipful Grand Lodge of Ancient Free Masons of Alabama, and its masonic jurisdiction, was read the third time.

Mr. Wm. Hendrix moved to amend the bill by engrossed rider, as follows:

After the word "held," in the last line but one, insert, "by the existing Grand Lodge, over which Rufus Greene is the present Most Worshipful Grand Master."

Said ryder was read three times and adopted, and the bill passed.

The bill to simplify, arrange, consolidate and improve the laws authorising evidence of witnesses to be taken by deposition was taken from the general orders, read the second time and referred to the committee on the judiciary.

The question recurred on the motion of

Mr. Wilson to postpone until first Monday in February the white basis resolutions.

Mr. Blevins moved to amend the said motion by making them the special order for 10 o'clock, A. M., on said day.

Mr. Hall called for a division of the question, which was first taken on the postponement, and carried. Yeas 56; nays 27.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Cain, Camp, Cody, Coleman, Coupland, Critcher, Corsbie, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Irby, Kendrick, J. H. King, M. A. King, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Quinn, Rather, Reynolds, Rives, Ryan, Skelton, Simmons, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood, Wright and Young—56.

Those who voted in the negative are, Messrs. Ashley, Baker, Blevins, Bridges, Chisolm, Creagh, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gates, Goodman, Groce, W. Hendrix, W. Holly, Jemison, Jones, Kennedy, Lea, Lockwood, Perkins, Reese, E. L. Smith, R. H. Smith, Swanson, Watkins and Watts—27.

And then on the motion of Mr. Blevins, and lost. Yeas 36; nays 48.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Creagh, A. R. Davis, N. Davis, Gardner, Gates, Groce, W. Holly, W. Hendrix, Jemison, Jones, Kennedy, Lea, Lockwood, McCall, McCollum, McMullen, Patton, Perkins, Pickett, Reynolds, Rowe, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts and Williams—36.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Camp, Coleman, Coupland, Cody, Critcher, Corsbie, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Irby, James, Kendrick, J. H. King, M. A. King, McDonald, McGuire, McLeod, Murphy, Neal, Perryman, Quinn, Rather, Ryan, Skelton, Simmons, Stone, Thorn, Turner, Whatley, Wilson, Wood, Wright and Young—48.

The House then resumed the consideration of the special order, it being the bill to amend the law of evidence in civil suits.

Mr. R. H. Smith moved to amend the bill as follows :

“Strike out all after the enacting clause and insert : That the person offered as a witness shall hereafter be excluded by reason of incapacity from interest, from giving evidence, either in person or by deposition, in any proceeding, civil or criminal, in any court in this State, or before any judge, jury, or justice of the peace, or before any person having authority to receive evidence, but any person so offered shall be admitted to give evidence on oath or affirmation, notwithstanding he may have an interest in the matter in question : *Provided*, That this act shall not render any person convicted of any offence whereby he could now be excluded from giving evidence ; or any real party to a suit or the lessor of the plaintiffs or tenant in ejectment, or other action for the recovery of real estate, or any person in whose immediate behalf an action may be brought or defended, or the husband or wife of any such persons respectively : *Provided also*, That this act shall not repeal any existing laws for the examination of parties in equity, or for obtaining discoveries at common law.”

Said motion was lost.

On motion of Mr. Hough, the bill was laid on the table. Yeas 64 ; nays 17.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Cody, Coleman, Coupland, Creagh, A. R. Davis, Edwards, Franks, Gates, Goldsby, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Humphreys, Irby, Kendrick, J. H. King, M. A. King, Lea, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins, Watts, Williams, Wilson, Wood, Wright and Young—64.

Those who voted in the negative are, Messrs. Bridges, Camp, Cooper, Corsbie, N. Davis, Gardner, Gazzam, Goodman, Gonder, Hall, Hudson, Jones, Pickett, Quinn, Rather, Storrs and Whatley—17.

And then the House adjourned.

TUESDAY, January 15th, 1850.

The House met pursuant to adjournment.

The bill for the relief of Sarah Harris, of Autauga county, was read the second time and referred to the committee on propositions and grievances.

The bill to authorise plaintiffs to prove their accounts and deposit them with justices of the peace for collection, was read the second time and referred to the committee on the judiciary.

The engrossed bill to incorporate the preachers' aid society of the Alabama Annual Conference of the Methodist Episcopal Church South, was read the third time and passed.

The bill from the Senate to repeal an act incorporating the town of Talladega, was taken from the messages and read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Hill, from the committee to whom was referred the bill to incorporate the Selma and Uniontown plank road company, reported the same back.

The bill was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. N. Davis, from the committee on ways and means, to whom was referred the bill to make an appropriation for rebuilding the State capitol, reported a substitute therefor ; and that—

Before proceeding to state the nature of the substitute offered, your committee will briefly state the reasons which have led them to the conclusion they have attained.

The present financial condition of the State is, of itself, in the opinion of your committee, a sufficient reason for refusing the appropriation at this time. It is a fact but too well known, that the State is now largely indebted ; and that our patriotic citizens have submitted to a large increase of taxation to extricate the State, if possible, from an immense debt, which presses like an incubus upon it—paralysing its energies and draining its resources, which annually leave the State to enrich foreigners. But this continual drain for the payment of the accruing interest, as well as for the extinction of the debt, is not the only or the worst consequence of our present embarrassed condition.

The existence of this immense debt, which seemed to be entailed upon us and our posterity, and hitherto to have had the effect of benumbing our faculties, and of preventing us from even making an effort to develop the great natural resources of the State, which, from their magnitude, seemed beyond the efforts of individual enterprise, unaided by State patronage, and this the State was unable to give. But a brighter day seems to be dawning upon us ; an amount of the public debt exceeding the hopes of the most sanguine has been liquidated within the last two years, and we have now the cheering prospect of a reduction of the debt in a short time, to a comparatively insignificant amount, if not entirely extinguished. But to accomplish this desirable result, the resources of the State applicable to this object, whether to be raised by taxation or now in the State coffers, should, in

the opinion of your committee, be inflexibly devoted to this object; and from the examination we have given the subject, we are satisfied they are not more than adequate to the final liquidation of the debt. Indeed, it is quite probable the final extinction of the debt may require, at some future period, increased taxation. If it be considered necessary to rebuild the State capitol at the present time, then, in the opinion of your committee, instead of appropriating the funds on hand, raised by taxation for the payment of our foreign debt, and which ought to be devoted to that purpose, it would be better to raise the necessary amount to build the State house by a specific tax upon the people.

There are other considerations scarcely less potent than those already mentioned, against the proposed appropriation at this time. The calamity which has destroyed our beautiful capitol, revives again the location of the seat of government, as it would be obviously improper to expend the large amount which would be necessary to erect a suitable building unless it be conceded that the location is permanent. This is a question of too much magnitude, as it appears to us, to be determined without consultation with our constituents. The event which has given rise to this proposition was neither foreseen nor expected when we were elected; nor have the people had sufficient notice of this movement to express any opinion upon it. It is well known that measures are now being actively taken to insure the speedy completion of the contemplated rail road which is intended to unite the waters of the Alabama with those of the Tennessee river, and its friends are sanguine of its success. What effect this great highway passing across the State from south to north is entitled to exert upon the question of the permanent location of the seat of government, your committee will not undertake to say. It may, and will probably be considered desirable that the seat of government should be established somewhere on the line of this great thoroughfare; and by being equally accessible from the remotest parts of the State, promote the comfort and convenience of the great majority of our people. Should it be the will of the people not to place the State capitol at any of our existing towns, a site might be selected on the line of the rail road for the seat of government, and a fund raised from the sale of lots to erect a magnificent structure, without taxation or cost to the State. In this connection, it may be remarked, that when the contemplated road is made, it will run through exhaustless quarries of the finest building material, and through the facilities furnished by the road, a building may be reared of our own native marble or granite which would stand for ages an enduring monument of the wealth and power of Alabama.

These considerations have conducted us to the conclusion that

it would be premature at this time to make an appropriation for the building of the State capitol. The State has already a house at Tuscaloosa, which, with some small repairs, will furnish an ample and convenient building for the accommodation of the legislature and the different officers of the government, at least until the sense of the people can be had upon a permanent location. And as it is necessary that the public archives, books, papers and other public property of the State should be placed in a state of security, in our opinion, the seat of government should be temporarily established there; and for that purpose, we have prepared a bill herewith submitted, as a substitute for the one referred, in which we respectfully ask the concurrence of the House.

Mr. Kendrick, from the minority of the same committee, made the following report :

The minority of the committee on ways and means, to whom was referred the bill to make an appropriation to rebuild the capitol, beg leave most respectfully to dissent from the views and recommendations of the majority.

It is certainly self-evident that the State ought to have, as early as possible, a convenient, safe and durable building in which to place the archives of the commonwealth beyond all casualties, and in which the different officers connected with the administration of the different functions of the government can be furnished with suitable apartments. It is also equally clear that the seat of government ought to be permanently located, and that there should be fixedness, certainty and stability in every thing pertaining to the government.

The minority feel very sure that it is greatly to the interest and convenience both of the officers connected with the government and to the people that the capitol be allowed to remain permanently at a convenient and central point, that it should indeed have a "local habitation and a name." Believing that the city of Montgomery comprises all the advantages to be found at any other point, being not far removed from the geographical centre of the State, and in the centre of the population, and as easy of access from all parts of the State as any other town within the State, and far more so than Tuscaloosa, to which the majority proposed moving, we must earnestly protest against their recommendation in that particular.

We concur with the majority that the financial condition of the State is such as forbids any useless or unnecessary expenditure of the public funds; and we confidently believe that every dollar appropriated to fit up and repair the old capitol will be virtually thrown away, because it must be almost entirely valueless to the State; and when we take into consideration the large

additional expenditure that must necessarily accrue in transporting the archives of the State and all the appendages of the supreme court and other departments, we feel well assured that the amount will, in the end, be nearly enough to rebuild upon the site of the building lately destroyed by fire another capitol sufficient for all the purposes of the State. to say nothing of the risk, inconvenience, perplexity and delay attendant upon removal. And if the seat of government is removed to Tuscaloosa, no one pretends, for a moment, that it can remain there long ; as a matter of course, then, at no very distant day, the further expense of removal back again to this place or some other, must be encountered, together with all the long train of evils that necessarily follow the frequent transportation of books, papers and records that have been accumulating since the foundation of the government from place to place. In view of the safety and preservation of the archives of the State and the convenience of all concerned, and of true economy to the expenditures of the public funds, it is unwise and highly inexpedient to attempt a removal of the seat of government, either permanently or temporarily.

Further, the minority dissent in toto from the position assumed by the majority in recommending an indefinite delay in the important work of rebuilding the capitol. To refuse at this time to make an appropriation to rebuild, will almost inevitably result in delaying the final completion of a suitable building for the various uses of the State some four or five years ; than which nothing would be, perhaps, more disadvantageous to the best interest of the State, and the absolute safety of State papers, which are at all times, in their transit from place to place, liable to be greatly injured or destroyed, to the great detriment of the commonwealth.

We cannot appreciate the force of the argument urged by the majority that it is necessary to consult the people on so plain a proposition. That the people have already decided that Tuscaloosa is not a place of that convenience and easiness of access as to make it suitable for the seat of government, and that it is necessary and proper to erect another building for the welfare and convenience of the State as speedily as may be consistent with durability of construction, does seem to be too obvious to admit of doubt. In fact, we feel absolutely certain that the magnanimity of the people of Alabama will induce them to ratify promptly the action of this legislature, should it think proper to make a reasonable appropriation for rebuilding the State capitol upon the site where but a short time since stood the evidence of the liberality of the citizens of this city. We feel well assured that the people of this commonwealth will never appreciate the wisdom or justice of the suggestion that the rebuilding of the

State capitol is to await and depend upon the carrying out of one certain plan of internal improvement. In other words, that the wants of the State are to go unheeded and the interest of the people sacrificed for an indefinite period of time, to subserve the private interest of a particular section of the country and associations of individuals.

All of which is respectfully submitted.

A. H. KENDRICK.

On motion of

Mr. Baker, the further consideration of the whole subject was postponed until 10 o'clock, on Monday, the 21st inst., and made the special order for that hour.

Mr. Lea, from the select committee to whom was referred the various bills concerning the revenue, and the assessment and collection of taxes, and amongst others, a bill designating the services and subjects, and prescribing the rates of taxation, have according to order, had the same under consideration, and have devoted special attention to the last mentioned bill and the provisions thereof, instructed me to report a substitute to the original bill reported by the committee, of ways and means.

Mr. Jones, from the minority of the same committee, reported as follows:

The undersigned, a minority of the select committee to whom were referred the several bills imposing taxes, dissents from the report and bill reported by the majority of that committee, and respectfully submits this minority report, stating briefly the grounds of his dissent.

In the opinion of the undersigned, such taxes should be laid as would raise a revenue sufficient, at the least, to pay the expenses of the state government, and the annual interest on the State debt. In imposing these taxes, two great cardinal principles ought to be adhered to, and carried out. First, that property of every description, and money and capital, however used or invested, should be taxed equally and rateably on the ad valorem principle as nearly as can conveniently be done. Second, that no tax ought to be imposed on labor or industry, or the annual products or proceeds of labor or industry.

The bill reported by the majority of the committee materially violates both of these principles. The bill imposes a tax at the rate of one-fifth of one per cent. on real estate and slaves, which constitute much the larger portion of the wealth and capital of our State. On almost every other description of property, and on money or capital otherwise used or invested, a much higher tax is imposed. This is strikingly illustrated by the onerous tax imposed on capital used or invested in mercantile business, by taxing the total gross amount of annual sales of merchandise, in-

stead of taxing the capital used or invested in the business. This tax is believed, on an average to be equal to at least one per cent. on the capital used, and in many cases it is much greater than this. The taxes on most kinds of property, other than real estate and slaves, are at the rate of one-fourth of one per cent. on some, one-half of one per cent., and in other cases, one per cent. or more. This is an unnecessary and unjust departure from the equal ad valorem principle of taxation.

The bill also imposes taxes on annual incomes of some few classes of our citizens, arising from their labor and industry. This, in the opinion of the undersigned, is an unjust and odious discrimination.

For these reasons, principally, the undersigned dissents from the report and bill of the majority of the committee.

WM. G. JONES.

Mr. Humphreys moved to lay the bill on the table, and to print 133 copies, which prevailed.

The bills from the Senate:

To determine the amount advanced by Ferdinand Lee for his township:

To enlarge the powers of the sheriff and coroner of Montgomery county, as to the sale of lands, slaves, and other property, taken in execution by them in said county:

To change the time of holding the circuit court in the second judicial circuit:

To amend the act incorporating the city of Wetumpka:

To authorise the State treasurer to purchase an iron safe:

To pay Uriah Dunn for moneys expended in bringing to trial William Dunn, who was convicted of negro stealing:

To amend an act to incorporate the Girard rail road company, approved 21st of January, 1846:

To explain and modify the act entitled an act to regulate permanently the sixteenth section fund:

To change the time of paying out the interest due, or hereafter due, the several townships in this State, on the sixteenth section fund:

For the relief of the children of Joseph A. Johnson and Lucy Johnson:

To repeal an act entitled an act to incorporate the subordinate Divisions of the order of the Sons of Temperance of the State of Alabama:

To regulate the weighing of cotton in this State:

To authorise Wm. L. McDow and John M. Soule to sell certain lands of their wards:

To amend and modify an act entitled an act for the permanent regulation of the sixteenth section fund:

To repeal an act entitled an act to authorise the people of beat number 6, in Jefferson county to elect an additional justice of the peace for said beat, to reside in the corporation of the town of Elyton, approved December 4th, 1833 :

To repeal in part an act compelling teachers of schools and students to work on public roads :

To amend the law now in force in relation to the collection of judgments obtained against administrators and executors :

To authorise the sale of part of the town common of Cahawba :

To amend the charter of the Masonic Institute at Dayton, in Marengo county :

To incorporate the Macon county manufacturing company :

To incorporate the Alabama and Mississippi rail road company :

To declare Alexander's mill creek, in the county of Coffee, a public highway :

For the relief of the securities of John Douglass, late clerk of the circuit court of Marion county :

In relation to dower :

To render uniform the rules of evidence in certain cases :

To amend an act entitled an act to reform the evils arising from local legislation :

To amend an act to regulate permanently the 16th section fund, approved March 6th, 1848 :

To continue a board of commissioners for the improvement of the navigation of the Black Warrior river :

To amend the laws relating to the bank at Mobile :

To change the time of holding the county courts of Lowndes county, and for other purposes :

Were taken from the messages and severally read and ordered to a second reading.

The bill from the Senate to refund to non-resident slave-holders taxes improperly collected, was taken from the messages and read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on the judiciary :

The bill from the Senate to incorporate the Chickasaw and Russellville McAdamised road company, was taken from the messages and read, and the constitutional rule being suspended, was read the second forthwith, and referred to the committee on internal improvements.

The joint resolutions from the Senate to compensate J.F. Jackson, the agent appointed to restate and settle the claims of this State against the United States, on account of the five per cent. fund, were taken from the message and read, and the constitutional rule being suspended, were read the second time forthwith and referred to the committee heretofore raised on that subject..

The joint resolutions from the Senate to provide for obtaining duplicate books and public documents destroyed by the burning of the State capitol, were taken from the messages, and read and ordered to a second reading.

The bill from the Senate declaring Village creek, in the county of Jefferson, a public highway up to the mill owned by Thompson Camp & Co., in said county, was taken from the messages and read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The joint memorial from the Senate to the United States, praying for grants of land to aid in the construction of rail roads and plank roads, was taken from the messages and read and ordered to a second reading.

The House concurred in the amendments of the Senate to the bills:

To make the county treasurer and county surveyor for the counties of Marshall, Marion, Russell, Coffee, Covington, Chambers, Connecuh, Walker and Dale, elective by the people:

To prevent fraudulent conveyances:

To require the annual publication of the condition of the treasury of the county of Pickens:

To revise and amend the attachment law.

The House concurred in the amendment of the resolution of the House, to go into the election of judge of the 9th judicial circuit, and other officers, on Friday, 18th inst.

A message from His Excellency the Governor, by Mr. Harrison:

EXECUTIVE DEPARTMENT, }
Montgomery, January 8, 1850. }

To the House of Representatives:

I am constrained, most respectfully, to withhold my approval of a bill which originated in your house, entitled "an act to consolidate the offices of circuit and county clerk in the county of Walker," and therefore return you the bill with my objections to it.

The fifteenth section of the fifth article of the constitution provides that clerks of the circuit and inferior courts of this State shall be elected by the qualified electors in each county, for the term of four years, and may be removed from office for such causes and in such manner as may be prescribed by law; and should a vacancy occur, subsequent to an election, it shall be filled by the judges of the court in which such vacancy exists, and the person so appointed shall hold his office until the next general election: *Provided, however,* That after the year one thousand eight hundred and twenty-six, the general assembly may prescribe a different mode of appointing, but shall not make such appointment.

The first section of the bill before me declares that the offices of the clerk of the circuit and county court of Walker shall be consolidated, and one person may hold both offices: *Provided*, That the person to be elected to the circuit court clerkship at the next election shall hold both offices when a vacancy occurs in the county court clerkship. By the second section it is enacted that so soon as one person shall hold both offices by election, the two offices shall be thereafter in all elections and appointments, held by one person, who shall be elected and qualified in the manner now prescribed by law.

These several provisions, it seems to me, are directly in violation of the constitution. They propose to unite the offices of clerk of the circuit and county court, irrespective of the expressed wishes of the constitutional elections, or by limiting the selection of the clerk of the county court to the individual who may be clerk of the circuit court. Thus, with all deference, I think cannot be done. The legislature not having prescribed any other mode of appointment, the clerks of their courts must be elected by the qualified electors in each county; and the only restrictions on the range of selection are the qualifications which the constitution, or the legislature acting in obedience to it, may prescribe; subject to these limitations, the people must be free to choose their own clerks.

The word *may*, where it occurs, must, according to well established precedent, be construed to mean *shall*; for when stated, directs the doing of a thing for the sake of justice or the public good, *may* will be taken as the synonym of *shall*, and will be mandatory in its operations. But even admitting that its effect is *directory* or *permissive*, and my construction of the bill in question is not at all affected. I am satisfied that the public interest would most probably be promoted by confining the circuit and county court clerkships upon the same individual in those counties where the fees from each do not adequately compensate the incumbent for his time and attention. I am not aware of any prohibition which would prevent the qualified electors from giving these offices to the same person. If there be none, legislation is unnecessary to authorise it: the people have but to make their wishes known by an election.

H. W. COLLIER.

And the question, Shall the bill pass? was decided in the negative. Yeas 15; nays 62.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Cain, Cody, Coleman, Cooper, Critcher, Corsbie, A. R. Davis, Gardner, Franks, Hill, Hough, J. H. King, McCollum and Watts—15.

Those who voted in the negative are, Messrs. Adams, Ashley, Austin, Baker, Barrow, Benbow, Boon, Bridges, Camp, Chisolm, Coupland, Creagh, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Irby, James, Jemison, Kendrick, Kennedy, M. A. King, Lea, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Perryman, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, Stone, Storrs, Swanson, Thorn, Watkins, Whatley, Williams, Wilson, Wood, Wright and Young—62.

The joint resolutions on the subject of slavery were read the second time and referred to the committee on federal relations.

Mr. Whatley, from the select committee to whom was referred the bill to regulate the right of appeal to the supreme court, reported a substitute therefor.

Mr. Jemison moved to amend the substitute as follows:

Insert in the last line after the word "controversy," the words "including cost."

And provided further, That no case shall be taken to the supreme court unless security be given for cost of the said court.

Mr. Cooper moved to lay the whole subject on the table, which motion was lost. Yeas 31; nays 49.

Those who voted in the affirmative are, Messrs. Aldridge, Barrow, Cain, Coleman, Cody, Cooper, Critcher, Corsbie, Edwards, Hall, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, M. A. King, McCollum, McGuire, Murphy, Neal, Patton, Pickett, Rather, Rowe, Ryan, Stone, Walker, Watkins, Watts and Wood—31.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Austin, Benbow, Boon, Bridges, Cain, Camp, Coupland, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hardwick, Heflin, W. Hendricks, Hill, Hough, Irby, Jemison, Kendrick, Kennedy, J. H. King, Lea, Lockwood, McCall, McDonald, McMullen, McLeod, Perryman, Quinn, Reynolds, Rives, Simmons, E. L. Smith, Stone, Swanson, Thorn, Turner, Whatley, Williams, Wilson, Wright—49.

The question then recurred on the amendment offered by Mr. Jemison, which was lost. Yeas 31; nays 46.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Austin, Boon, Cain, Camp, Chisolm, Corsbie, A. R. Davis, Franks, Gardner, Gazzam, Groce, M. Hendricks, Jemison, J. H. King, McCollum, McGuire, McLeod, Neal, Patton, Quinn, Reynolds, Simmons, Stone, Thorn, Watts, Whatley, Wilson and Wood—31.

Those who voted in the negative are, Messrs. Aldridge, Baker, Barrow, Benbow, Bridges, Cody, Coleman, Cooper, Critcher, L.

R. Davis, Edwards, Gates, Goodman, Hall, Hardwick, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, Irby, James, Jones, Kendrick, Kennedy, M. A. King, Lea, Lockwood, McCall, McDonald, McMullen, Murphy, Perryman, Pickett, Rather, Rives, Ryan, E. L. Smith, Storrs, Swanson, Turner, Walker, Watkins, Williams and Wright—46.

On motion of

Mr. Bridges, the first proviso was stricken out.

Mr. Cooper moved to strike out the second proviso.

Mr. Watts moved to amend the substitute, as follows :

“The amount in controversy shall be ascertained by the affidavit of the person applying for the writ of error, which affidavit shall accompany the record of the supreme court.”

On motion of

Mr. Cooper, the amendment offered by Mr. Watts was laid on the table.

And then the House adjourned.

AFTERNOON SESSION, January 15th, 1850.

The House met pursuant to adjournment.

The question recurred on the motion of Mr. Cooper, to strike out the second proviso, which was carried. Yeas 71; nays 15.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Baker, Barrow, Blevins, Boon, Brasher, Bridges, Cain, Cody, Coleman, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Goldsby, Groce, Gunter, Hall, Hardwick, Heflin, A. Holly, W. Holly, Hough, Hudson, Irby, James, Jemison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Rowe, Ryan, Simmons, E. L. Smith, Stone, Thorn, Turner, Walker, Watkins, Watts, Wilson, Wood, Wright and Young—71.

Those who voted in the negative are, Messrs. Ashley, Chisolm, Camp, Gates, Gazzam, Goodman, W. Hendrix, Hill, Lockwood, Reynolds, R. H. Smith, Storrs, Whatley and Williams—15.

Mr. Gardner moved to amend the substitute as follows :

“That hereafter a writ of error or an appeal to the supreme court, shall not be allowed in any civil case, except on an order made by one of the judges of the supreme court, and wherever any party who may be dissatisfied with any judgment or decree rendered in any civil case by any circuit or chancery court, or any inferior court, and may desire to have the same re-issued by the supreme court, he may procure and submit to any one of the supreme judges, a transcript of the record of the proceedings of such suits, and if either of the judges of the supreme court shall think, on

examination of such transcript, that there is any reasonable ground to doubt the correctness of such judgment or decree, it shall be his duty to make an order allowing an appeal or writ of error to be issued to revise the same, which was lost. The substitute was adopted and the bill passed. Yeas 68; nays 11.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Benbow, Boon, Brasher, Bridges, Cain, Camp, Coleman, Coupland, Cody, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Groce, Hall, Hardwick, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Irby, James, Kendrick, Kennedy, J. H. King, Lea, McCall, McCollum, McLeod, McMullen, Murphy, Neal, Patton, Perryman, Quinn, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Storrs, Thorn, Turner, Walker, Whatley, Williams, Wilson, Wood and Wright—68.

Those who voted in the negative are, Messrs. Cooper, Jones, M. A. King, McCollum, McDonald, McGuire, Pickett, Rather, Watkins, Watts and Young—11.

Special order :

The House then proceeded to the consideration of the special order, it being the bill to regulate the fees of the judges and clerks of the county courts.

Mr. M. A. King moved to postpone the further consideration of the subject until the 21st instant, which was lost. Yeas 41; nays 42.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Barrow, Benbow, Boon, Cain, Chisolm, Coleman, Cooper, Creagh, Corsbie, Edwards, Franks, Gardner, Goodman, Groce, Hardwick, W. Holly, Hudson, Irby, Kennedy, J. H. King, M. A. King, McCall, McCollum, McMullen, Murphy, Neal, Perryman, Reese, Reynolds, Rowe, Ryan, Simmons, Thorn, Turner, Whatley, Williams, Wilson, Wright and Young—41.

Those who voted in the negative are, Messrs. Speaker, Adams, Baker, Brasher, Camp, Cody, Creagh, Crews, A. R. Davis, N. Davis, L. R. Davis, Foscue, Gates, Gazzam, Goldsby, Gunter, Hall, Heflin, W. Hendrix, A. Holly, Hough, Jemison, Jones, Kendrick, Lea, Lockwood, McDonald, McGuire, McLeod, Patton, Pickett, Quinn, Rather, Rives, E. L. Smith, R. H. Smith, Stone, Storrs, Walker, Watkins, Watts and Wood—42.

Mr. Adams moved to strike out one dollar and insert seventy-five cents, in the sixth line, which motion was carried. Also to strike out fifty cents and insert twenty-five cents, in the seventh line, which was lost. Also to strike out two dollars and fifty cents and insert two dollars, in the fifteenth line.

Pending which question, the House adjourned.

WEDNESDAY, January 16, 1850.

The House met pursuant to adjournment.

Mr. Bridges offered the following resolution, which was adopted:

Resolved, That when the yeas and nays are taken upon any question, the clerk shall enter upon the minutes the name of the member by whom they are demanded.

Mr. McGuire presented the accounts of William H. Cunningham and M. L. McMullen, which were referred to the committee on accounts.

Mr. Aldridge presented the account of John Powell, which was referred to the same committee.

Mr. M. A. King, from the select committee to whom was referred the bill establishing courts of probate, and for other purposes, reported the same back.

On motion of

Mr. Hardwick, the further consideration of the subject was postponed until Wednesday, 10 o'clock, the 23d inst., and made the special order for that hour.

One hundred and thirty-three copies ordered to be printed.

Mr. Cooper introduced a bill construing an act entitled an act to incorporate the central plank road company, passed at this session of the legislature.

Mr. Cooper moved to suspend the constitutional rule.

Mr. N. Davis demanded the yeas and nays, and the House refused to suspend. Yeas 43; nays 41.

Those who voted in the affirmative are, Messrs. Aldridge, Blevins, Bridges, Camp, Coleman, Cooper, Crews, L. R. Davis, Franks, Gates, Goldsby, Gonder, Groce, Hall, Hardwick, W. Hendrix, W. Holly, Hough, Irby, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCollum, McGuire, McMullen, Murphy, Perkins, Pickett, Quinn, Rather, Reynolds, Rives, Ryan, Simmons, Stone, Swanson, Watkins, Watts, Wilson, Wood and Wright—43.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Cain, Chisolm, Cody, Coupland, Critcher, Corsbie, N. Davis, Edwards, Gardner, Gazzam, Goodman, Gunter, Heflin, M. Hendricks, Hall, A. Holly, Hudson, James, Jones, Kendrick, M. A. King, McCall, McDonald, Patton, Perryman, Reese, R. H. Smith, Storrs, Thorne, Turner, Whatley, Williams and Young—41.

And the bill was ordered to a second reading.

The question recurred on the motion of

Mr. Hall, under previous notice, to reconsider the vote by which the House on Friday last ordered to a third reading the bill providing for a code of statutes of Alabama and for the preparation of a code of practice in this State. And the vote was reconsidered. Yeas 54; nays 38.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Bridges, Camp, Coleman, Cody, Cooper, Conpland, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Goldsby, Goodman, Hall, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, Hough, Hudson, Humphreys, Irby, James, Kendrick, M. A. King, Lea, McDonald, McLeod, Murphy, Neal, Perryman, Pickett, Quinn, Rather, Rowe, Ryan, Simmons, Stone, Thorn, Turner, Whatley, Wilson, Wood and Wright—54.

Those who voted in the negative are, Messrs. Speaker, Ashley, Blevins, Cain, Chisolm, Creagh, A. R. Davis, Foscue, Gardner, Gates, Gazzam, Gonder, Groce, W. Hendrix, W. Holly, Jemison, Jones, Kennedy, J. H. King, Ligon, Lockwood, McCall, McCollum, McGuire, McMullen, Patton, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts, Williams and Young—38.

Mr. Hall moved to strike out the first section.

And then the House adjourned.

AFTERNOON SESSION, January 16th, 1850:

The House met pursuant to adjournment.

Mr. M. A. King, from the committee on propositions and grievances, (by leave,) reported a bill for the relief of Lewis Cunningham, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The question recurred on the motion of

Mr. Hall to strike out the first section of the bill providing for a code of statutes for Alabama.

Mr. Blevins moved to amend said first section by inserting in the blank the name of John Erwin.

Mr. N. Davis moved to insert the name of George Goldthwaite.

Mr. M. A. King moved to insert the name of James Robinson.

Mr. Hall moved to lay said amendments on the table, which motion prevailed. Yeas 51; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Austin, Aldridge, Barrow, Boon, Brasher, Bridges, Coleman, Cody, Coupland, Crews, Critcher, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McDonald, McMullen, McLeod, Murphy, Neal, Quinn, Rather, Rowe, Ryan, Simmons, Stone, Thorn, Turner, Whatley, Williams, Wilson, Wood and Wright—51.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, L. R. Davis,

Gardner, Gazzam, Goodman, Gonder, Groce, Gunter, W. Hendrix, A. Holly, W. Holly, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts and Young—37.

The question recurred on the motion of Mr. Hall to strike out the first section, which motion prevailed.

Mr. Watts demanded the yeas and nays. Yeas 49; nays 39.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cody, Coupland, Crews, Critcher, Corsbie, N. Davis, Franks, Goldsby, Hall, Hardwick, Heflin, Hill, Hudson, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, McDonald, McLeod, Murphy, Neal, Perryman, Pickett, Quinn, Rather, Rowe, Ryan, Simmons, Stone, Thorn, Turner, Whatley, Wilson, Wood, Wright and Young—49.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Benbow, Blevins, Chisolm, Cain, Cooper, L. R. Davis, Foscoe, Gardner, Gazzam, Goodman, Gonder, Groce, Gunter, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, McMullen, Patton, Perkins, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts and Williams—39.

Mr. N. Davis moved to amend the bill by inserting in lieu of the section stricken out the following:

That John J. Ormond, George Goldthwaite and Jas. Robinson are hereby appointed commissioners to arrange and codify the public statute laws of this State.

Mr. Bridges moved to amend the amendment of Mr. Davis by substitute, as follows:

That there shall be elected by joint vote of both houses of the General Assembly three commissioners, who shall constitute a board to arrange and codify the public statute laws of this State.

Mr. N. Davis moved to lay the amendment of Mr. Bridges on the table.

Mr. Bridges moved to lay the amendment of Mr. Davis on the table.

Mr. N. Davis called for a division of the question, which was first taken on laying on the table the amendment of Mr. Bridges.

Mr. M. A. King demanded the yeas and nays. The amendment was laid on the table. Yeas 54; nays 30.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Blevins, Brasher, Camp, Coleman, Cody, Cooper, Coupland, Crews, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Goodman, Gonder, Gunter,

Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hudson, Irby, James, Jamison, Kendrick, J. H. King, M. A. King, McGuire, McLeod, Murphy, Neal, Perryman, Quinn, Rives, Rowe, Simmons, R. H. Smith, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Wilson, Wood and Wright—54.

Those who voted in the negative are, Messrs. Baker, Benbow, Bridges, Cain, Chisolm, Critcher, Gardner, Gazzam, Groce, Hill, A. Holly, Hough, W. Holly, Humphreys, James, Lea, Ligon, Lockwood, McCall, McMullen, Patton, Perkins, Pickett, Rather, Reynolds, Ryan, Storrs, Williams and Young—30.

2d. On laying on the table the amendment of Mr. N. Davis, which branch of the question was lost. Yeas 36; nays 53.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Foscue, Gardner, Gazzam, Goldsby, Goodman, Gonder, Groce, W. Hendrix, Hill, A. Holly, W. Holly, Humphreys, Jones, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, Patton, Perkins, Pickett, Reynolds, Rives, Ryan, E. L. Smith, R. H. Smith, Swanson, Watkins and Williams—36.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Coleman, Cody, Cooper, Coupland, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gunter, Hall, Hardwick, Heflin, W. Hendrix, Hough, Hudson, Irby, James, Jamison, Kendrick, J. H. King, M. A. King, McGuire, McMullen, McLeod, Murphy, Neal, Perryman, Quinn, Rather, Rowe, Simmons, Stone, Storrs, Thorn, Turner, Watts, Whatley, Wilson, Wood, Wright and Young—53.

And then the House adjourned.

THURSDAY, January 17th, 1850.

The House met pursuant to adjournment.

Mr. Wm. Hendrix offered the following resolution, which was adopted:

Resolved, That the use of the Hall be and is hereby tendered to the Grand Division of the Sons of Temperance, now assembled for the ceremonies of the delivery of a bible, presentation of a banner, and delivery of their annual address, this evening at 7 o'clock.

Mr. Hall presented the petition of certain citizens of Autauga county, in relation to an election precinct, which was referred to the committee on privileges and elections.

Mr. Young presented the account of R. H. Earle, which was referred to the committee on propositions and grievances.

Mr. McCollum presented the account of M. Waters, which was referred to the committee on accounts.

Mr. Rives presented the account of John Powell, which was referred to the committee on accounts.

Mr. Wilson presented the petition of Joshua Anderson, et. al., which was referred to the committee on propositions and grievances.

Mr. Blevins introduced a bill to provide more accurate notice of the commitment of absconding slaves, which was read and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. McCollum introduced a bill to authorise the clerk, treasurer and sheriff of Fayette county to receive State witnesses' tickets in payment of fines and forfeitures, which was read and ordered to a second reading.

Bills were introduced by :

Mr. Watkins, to change the times of holding the chancery courts of the counties of Franklin and Lauderdale :

Mr. Lockwood, concerning the execution of the will of J. Cheglezola, deceased :

Mr. Lockwood, to revise the charter of Pineland academy :

Mr. Gazzam, extending the jurisdiction of the criminal court of Mobile county, and for other purposes therein named :

Mr. Gunter, to amend an act entitled an act incorporating the Montgomery mining and transportation company.

Said bills were severally read and ordered to a second reading.

Mr. Groce introduced a bill to incorporate the Riddle manufacturing company, in the county of Talladega, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to the committee on corporations.

Mr. Adams presented the petition of sundry citizens of Marshall county, which was referred to the committee on propositions and grievances.

The House then resumed the consideration of the bill providing for a code of statutes of Alabama, and for the preparation of a code of practice in the courts of this State.

The question recurred on the adoption of the amendment offered by Mr. N. Davis.

Mr. Ligon moved to amend the amendment by striking out the name of James Robinson, and inserting John Erwin.

Mr. Wilson demanded the yeas and nays.

Mr. M. A. King call for a division of the question, which was first taken on striking out the name of James Robinson, and carried. Yeas 50; nays 42.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Blevins, Bridges, Cain, Camp, Chisolm, Crews, A. R. Davis, Fosene, Garduer, Gates, Gazzam, Goodman, Gonder, Groce, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Irby,

Jemison, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Patton, Perkins, Pickett, Quinn, Reese, Reynolds, Rowe, E. L. Smith, R. H. Smith, Swanson, Turner, Waits, Williams and Young—49.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Coleman, Cody, Cooper, Coupland, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gunter, Hall Hardwick, Heflin, M. Hendricks, Hudson, Humphreys, James, J. H. King, M. A. King, McLeod, Murphy, Neal, Perryman, Rather, Rives, Ryan, Simmons, Stone, Storrs, Thorn, Watkins, Whatley Wilson and Wright—41.

2d. On inserting the name of John Erwin, which was carried. Yeas 80; nays 10.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Coleman, Cooper, Coupland, Crews, Critcher, A. R. Davis, Edwards, Foscoe, Gardner, Gates, Gazzam, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Wm. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Williams, Wood and Young—80.

Those who voted in the negative are, Messrs. Corsbie, L. R. Davis, N. Davis, Franks, Gonder, McCollum, Perryman, Ryan, Wilson and Wright—10.

Mr. Wilson moved to strike out the name of J. J. Ormond.

Mr. Wilson demanded the yeas and nays, which motion was lost. Yeas 16; nays 77.

Those who voted in the affirmative are, Messrs. Austin, Boon, Corsbie, L. R. Davis, Franks, Gonder, Heflin, M. A. King, McCollum, Murphy, Perryman, Ryan, Simmons, Wilson, Wright and Young—16.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Barrow, Banbow, Blevins, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Creagh, Crews, Critcher, A. R. Davis, N. Davis, Edwards, Foscoe, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hall, Hardwick, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, E. L.

Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Williams and Wood—77.

And the amendment was adopted and the bill ordered to a third reading.

Mr. McMullen introduced a bill to incorporate the Benton and Greenville plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Special order:

The House then proceeded to the consideration of the special order, it being the bill regulating the fees of judges and clerks of the county courts.

The question recurred on the adoption of the motion of Mr. Adams, to strike out "two dollars and fifty cents" in the fifteenth line and insert "two dollars."

Mr. Whatley moved to postpone the further consideration of the bill until Thursday next, which motion prevailed.

Mr. Lea, from the select committee to whom was referred the bill prescribing the mode of assessing and defining the duties of tax assessors and collectors, reported the same back.

Mr. Gardner moved to postpone the further consideration of the bill until Tuesday next, at 10 o'clock, A. M., and 133 copies ordered to be printed, which motion prevailed.

Mr. McGuire, from the minority of the select committee to whom was referred the several bills on the subject of raising a revenue, and to provide for the assessment and collection of taxes, beg leave most respectfully to dissent from the report of the majority, and herewith submit their reasons for the same.

It is universally conceded that it is unnecessary and inexpedient at this time to increase the amount of taxation over and above that imposed by the last revenue bill. Now it is contemplated by the majority of the committee, by altering the classifications of slaves, to increase the amount of tax on that species of property about twelve thousand dollars, and since the principal burthen of taxation, being nearly one half of the whole amount of revenue raised, is borne by the owners of slave property, to increase the tax on that class alone, will in the opinion of the undersigned be unequal and unjust.

Again, to tax horses and mules used for plantation purposes, which has never been done before by any tax laid in this State, would be odious to a majority of the tax payers, and therefore inexpedient.

Again, as the subjects and rates of taxation and the duties of the officers charged with the assessment and collection of the same, are so immediately connected, we object to a division of one from the other as contemplated by the report of the majority

For the reasons above given, the undersigned beg leave to report a bill to provide for the assessment and collection of taxes in the State, and recommend it to the favorable consideration of the House.

MOSES McGUIRE,

THOS. E. IRBY.

The bill accompanying the report was read, and the constitutional rule being suspended, was read the second time forthwith, and the further consideration of the bill postponed until Tuesday next, at 10 o'clock, A. M., and made the special order for that hour.

The substitute to the revenue bill reported by Mr. Lea, was taken from the table.

Mr. Hardwick moved to amend the substitute by striking out all that relates to slaves in the first section, and inserting "on all slaves, one fifth of one per cent. upon their intrinsic value in money, to be given in on oath by the owner thereof."

Mr. Whatley moved to lay the amendment offered by Mr. Hardwick on the table.

Mr. Cooper demanded the yeas and nays, and the motion to lay the amendment on the table prevailed. Yeas 48; nays 33.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Benbow, Boon, Brashor, Cain, Camp, Chisolm, Coupland, Corsbie, A. R. Davis, Edwards, Foscue, Gates, Gazzam, Gonder, Groce, Gunter, Hall, W. Hendrix, Hill, W. Holly, Irby, Jemison, Jones, Lea, Ligon, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Rives, Simmons, R. H. Smith, Stone, Storrs, Swanson, Turner, Watkins, Watts, Whatley, Williams, Wilson and Wood—48.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Coleman, Cody, Cooper, Critcher, L. R. Davis, Franks, Gardner, Hardwick, Heflin, M. Hendricks, A. Holly, Hough, Hudson, Kendrick, J. H. King, M. A. King, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Thorn, Wright and Young—33.

Mr. R. H. Smith moved to amend the substitute reported by Mr. Lea as follows:

Provided, That no lands shall be valued at less than one dollar and twenty-five cents per acre.

Mr. Hardwick moved to lay the amendment offered by Mr. R. H. Smith on the table.

Mr. N. Davis demanded the yeas and nays, and the motion prevailed. Yeas 70; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue,

Franks, Gardner, Gates, Groce, Hardwick, M. Hendricks, Wm. Hendrix, W. Holly, Hough, Hudson, Libby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Ratner, Reese, Reynolds, Rowe, Ryan, Simmons, Stone, Storrs, Thorn, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—70.

Those who voted in the negative are, Messrs. Gazzam, Hall, Heflin, Hill, Rives, R. H. Smith, Swanson and Turner—9.

Mr. Jemison moved to postpone the further consideration of the subject to 3 o'clock, P. M., which motion prevailed.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate has originated and passed a bill to amend an act entitled an act to alter and amend the several laws prescribing the duties of the clerk of the supreme court.

The Senate has adopted the following resolution :

That, with the concurrence of the House of Representatives, the two houses will meet in the hall of the House on Friday, the 18th inst., at 12 o'clock, M., for the purpose of electing a State treasurer and comptroller of public accounts for the term of twelve months each, from and after the 18th inst. Also a comptroller of public accounts and State treasurer for the term of twelve months from and after the 18th of January, 1851.

The resolution was concurred in and the bill read and ordered to a second reading :

The House then resumed the consideration of the bill to alter the law on the subject of dower.

Mr. Wilson moved to lay the bill on the table, which motion prevailed.

The House then resumed the consideration of the bill to explain and amend an act entitled an act securing to married women their separate estates, and for other purposes.

Mr. Gunter moved to amend the bill by substitute.

Pending which question,

The House adjourned.

AFTERNOON SESSION, January 17th, 1850.

The House met pursuant to adjournment and resolved itself into a committee of the whole on the substitute to the revenue bill, reported by Mr. Lea, Mr. N. Davis in the chair, and after some time spent in deliberation, the committee rose, reported progress, and through their chairman, asked and obtained leave to sit again.

Mr. Speaker laid before the House the following communication :

GRAND DIVISION, S. or T. }
 Montgomery, Ala, January 17th, 1850. }

To the Honorable the Speaker of the

House of Representatives of the State of Alabama :

The undersigned, the committee of arrangements of the Grand Division of the Sons of Temperance of the State of Alabama, have the honor to communicate to you the following resolution, unanimously adopted by the body we have the honor to represent, and we respectfully ask that you will honor us with your attendance at the time mentioned in the resolutions.

JOHN H. CHAPMAN, } Committee
 R. JEMISON, } of
 R. T. STARR. } Arrangements.

Resolved, That the committee of arrangements be instructed to invite His Excellency the Governor, the Judges and members of the Supreme Court, and both houses of the State Legislature, to participate with this Grand Body, on to-morrow, at 11 o'clock, A. M., in the reception of the annual address.

On motion of

Mr. Jemison, the invitation was accepted.

And then the House adjourned.

FRIDAY, January 18th, 1850.

The House met pursuant to adjournment.

On motion of

Mr. Gates, the vote by which the House accepted the invitation of the Grand Division of the Sons of Temperance, was rescinded, and the Speaker was requested to inform the Grand Division of the inability of the House to attend.

The bill construing an act entitled an act to incorporate the central plank road company, passed at this session of the Legislature, was read the second time.

Mr. Gunter moved to amend the bill by substitute.

Mr. Cooper moved to refer the whole subject to a select committee of five, with instructions to report at 3 o'clock, P. M., which motion prevailed and the bill referred accordingly.

Mr. James, from the committee on federal relations, to whom was referred so much of the late governor's message as relates to the action of the Federal government and the resolutions adopted by the several States of Missouri, New Hampshire and Vermont in relation to the subject of slavery, as well as such portions of the present governor's message as relates to our Federal relations, reported preamble and joint resolutions, which were read, and the constitutional rule being suspended, were read the second time forthwith.

On motion of

Mr. M. A. King, the further consideration of the subject was postponed until Monday, 28th inst., at 10½ o'clock, and made the special order for that hour.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate has passed the following resolution :

Resolved, That the House of Representatives be respectfully requested to return forthwith to the Senate the resolution heretofore passed by the Senate to go into the election of State treasurer and comptroller of public accounts this day, it being the opinion of the Senate that but one election for each of said officers can be constitutionally gone into at the present session.

Which was laid on the table.

Mr. Hall offered the following resolution, which was adopted :

Resolved, That, the Senate concurring, the joint resolution by which the elections for comptroller and treasurer were ordered for this day be rescinded.

Mr. Patton, from the committee on internal improvements, to whom was referred a bill to be entitled an act appropriating one half of the two per cent. fund to the connecting of the navigable waters of the Mobile bay with the Tennessee river by rail road communication, and for other purposes, have had the same under consideration, and instructed me to report adversely to its passage, and assign the following reasons why the same should not pass.

First. That it would be inexpedient for the State to invest the two per cent. fund in negroes as contemplated by the second section of said act, as that species of property is now commanding high prices, and will in all probability continue to advance with the corresponding price of cotton, this being the product of slave labor and the great staple of the world.

Second. That it would not comport with the will of the people of this State, under our present embarrassments, to increase the public debt for the purposes designated in the seventh section of said bill. Your committee would state that our State bonds in the markets of the world are now worth only about seventy cents to the dollar; and if the amount of said bonds were increased, the necessary tendency would be to reduce them even below their present market value. We believe the great interests of our State would be much more subserved by the reduction of the State debt in preference to increasing it, thereby convincing the world that the State of Alabama will never be content to rest under the imputation that she will repudiate or fail to meet her obligations.

On motion of

Mr. Cooper, the report and bill were laid upon the table.

Mr. Storrs, from the committee on internal improvements, made the following report, which was laid on the table and two thousand copies ordered to be printed :

The committee on internal improvements, to whom were referred resolutions instructing inquiry into the propriety of having a thorough geological, mineralogical and agricultural survey of the State made; also a memorial from the Amercani association for the advancement of science, and joint resolutions providing for the appointment of a State geologist, have had the same under consideration, and ask leave to present the following report:

The committee wish first to say that their own want of familiarity with these great subjects has prevented as succinct a statement of their views as could be wished—also to acknowledge their indebtedness to Professor Tuomey, of the University of Alabama, from whom the facts here presented have been mainly derived.

The importance and necessity of making known the mineral resources of a country, have long since been settled in the communities of the old continent by the establishment, under the patronage of the governments, of schools of mines, where young men were instructed in the sciences of mineralogy and geology, and in their application to the art of mining. They are also frequently appointed to make surveys of mineral districts and to advise and direct in mining establishments.

In our own land, wherever the great interests of education are properly considered, the utility of geological surveys is duly appreciated.

As yet we have no schools for assaying and mining, but their place have in some measure, been supplied by a system of geological surveys instituted by the State governments for the benefit of the people at large. This system grew out of the general progress so strikingly exhibited by our country within the last few years.

The accidental discovery of useful minerals was deemed too slow and uncertain a process for the spirit of the times. Instead of vague conjectures and unauthenticated accounts of mineral resources, positive and reliable information was demanded.

It was deemed necessary to point out, not only what existed and what might be looked for with reasonable hopes of success, but also, what the geological structure would render it absurd to expect. To accomplish this it became necessary to examine minutely and delineate upon a map the various geological formations of the region under examination.

When the geological features of a country are thus presented to a people with the information that ores and minerals, useful in the arts, are always associated with certain rocks and never found elsewhere, they will not be tempted to spend time and money, as has often occurred, in idle explorations.

For instance, "A geological map of Alabama would show the folly of looking for gold mines in Clarke county, or for those of lead among the coal measures of the Warrior and Cahawba."

The amount foolishly expended, in searching for minerals, where a little geological knowledge would show they are never found, would, in a short time, defray the expenses of a thorough geological survey.

Mining operations cannot safely be conducted, independently of a knowledge of the geological character and structure of the field of those labors, and scientific geology has settled with so much precision, the boundaries of the local position of the mineral wealth of the country that the ruinous consequences which have, in numerous instances, attended mere experimental researches, need never again occur.

The agricultural interest of the country cannot too highly estimate the value of geological investigation. The relation between rocks and soils is such, that the geology of a country being settled, the character of its soils, their adaptation to certain crops the means of improving and of correcting their qualities, become at once known. Hence, geology is now recognised as the basis of agricultural science.

The engineer, by the aid of geological surveys, is enabled to anticipate and frequently to avoid difficulties in selecting the location of a road.

The strength and durability of rocks as building materials, depend upon their mineral composition, and nothing but a knowledge of this composition will enable the architect to decide upon their fitness for his purposes. A geological commission was appointed to select the stone of which the new Houses of Parliament of Great Britain have been constructed. The capitol at Washington is a prominent and familiar example of the want of such knowledge and foresight, in the selection of a perishable material for its construction;" and many other of our public buildings present the same evidence.

Artesian wells are becoming objects of interest in many sections of the country, and without geological knowledge, their location is as much a matter of uncertainty as the search after coal.

The reports of the various State geological surveys present a vast amount of information appertaining to all these subjects, in comparison with which the small amount of expenditure is not to be considered.

Besides this, there is a benefit arising from the surveys that can never appear in the reports. We allude to the effects of the useful knowledge scattered among the people during their progress, and the spirit of inquiry that is thereby excited.

It is a remarkable fact in the history of these surveys, that although the South has been tardy in availing itself of these advantages, it was the first to appreciate and put them in practice. Partial surveys of their domains were made by North Carolina as early as 1823, and by South Carolina in 1826. Their example has been followed by many, both of the oldest and youngest States in the confederacy, including those most famed for strict, but enlightened economy.

The truly magnificent survey instituted by the State of New York is still in progress. It includes the entire natural history of the State, and when completed, will have cost the State not far short of one hundred thousand dollars.

The experience of twenty years has served to convince these States of the wisdom and policy that dictated this mode of presenting knowledge to their citizens.

In 1847, the Trustees of the University of Alabama set on foot a survey by one of its officers—Professor Tuomey. In 1848, the title of State Geologist was conferred by the General Assembly, with instructions to report to that body at its biennial sessions.

This officer, encouraged and sustained by the State *only in the high-sounding title thus conferred*, though compelled by want of time to limit his researches to a comparatively small portion of the State, has, in addition to the slight surveys of Professors Brumby and Hale, pointed out the path for industry and enterprise to take, and has “fixed the fact” that Alabama has within her confines more of the elements of empire than any other sister State of equal territorial limits.

From his report, it appears that the geological position of Alabama is as peculiar as it is interesting.

The great geological formations of the United States have their southern termination here. Thus the rocks with which the chrystalline white marble at the North is associated, end at Wetumpka. That they have lost nothing of their interest or value, the marbles of Talladega, which compare favorably with the best Northern marble, fully attest; and although, at present, the quarries are few and isolated, there can be no doubt that future investigations will bring others to light.

The vast series of rocks of New York, which contain nearly all her mineral wealth, after passing through the intermediate States, terminates in Alabama, at Centreville, on the Cahawba.

From the report to which we have alluded, it also appears that the rocks are not less productive here than elsewhere. They contain beds of marble of great beauty—some gray, with red veins—red and yellow, with greenish veins—white chrystalline marble, clouded with red; and in Bibb, there is a black compact marble; another on Six Mile Creek, intersected by veins of

white ; also, a similar marble on the road to Montevallo ; and there can be no doubt of the thickness of these beds and of their workable qualities.

These rocks also contain deposits of brown Hematite, as well as the red oxide of iron known in Pennsylvania as fossiliferous iron ore, and in New York under the name of lenticular iron ore. The Professor says this ore is highly prized in those States, but has hitherto passed unnoticed in Alabama, where it has been traced at intervals over a distance of one hundred and fifty miles.

Beds of water limestone, or the rock from which the hydraulic cement is made, an important source of wealth to New York, is found in Alabama.

These rocks contain a bed of per-oxide of manganese, which is nearly as valuable, when taken from the mine, as pig iron. Flagging stones, and the best materials for building, abound throughout the entire range of these rocks.

Mill-stone grit, the foundation of the coal measures, is known at several places and of excellent quality. It appears on the East side of Raccoon mountain, in heavy masses ; and Professor T. says it is difficult to find a locality equal to that of St. Clair.

The Professor also informs us that he has discovered among the limestones of Cahawba valley, near Pratt's ferry, a vein of the sulphate of Barytes, and another above Elyton. This mineral is ground and sold as an excellent substitute for white lead. There is also a substance found quite abundantly in limestone caves resembling Tripoli, to which it has been pronounced by artists equal in the purposes for which this mineral is used.

Deposits of earth are also found from which nitrate of potash may be obtained.

When it is remembered that the little town of Thomaston, in Maine, annually exports over four hundred thousand casks of lime, at an average price of one dollar per cask—that the lime-burners labor under the disadvantage of freighting their fuel from New York—that nearly the entire Southern market is supplied from that section—the inquiry naturally arises, why are not the best locations of our inexhaustible limestone pointed out, that Alabama may at least supply herself with this necessary article.

In the lower part of the State are quantities of *marl* which places within reach of the planters the means of producing in the soil any degree of fertility. It is a well known fact that by this simple means the farmers of eastern Virginia have *doubled*, and in many instances *trebled* their crops in the short space of a few years.

The report is replete with further information as to the resources of this State, but the committee will trespass further only by alluding to the fact that Alabama is blessed with the presence of

that great source of mineral wealth—coal—so essential in its application to the useful arts and to the domestic comforts of life. Virginia, Maryland and Pennsylvania have had geological surveys, and satisfied with the result. To get their coal to the seaboard the former has expended thousands, the latter millions of dollars. It has already poured a stream of wealth into the lap of the last named State, and the world knows that to her coal fields England owes her power and her glory.

The survey already made shows that the great coal formation of the United States has the termination of its southern prolongation on the Warrior and Cahawba rivers.

It has been examined to a considerable extent, and workable beds pointed out in Fayette, Marion and other counties. Walker, Blount, Jefferson and Tuscaloosa are covered with coal measures. It is also found in inexhaustible quantities in Bibb and Shelby.

Professor Tuomey says the productive portions of this formation are known to occupy an area of five thousand three hundred square miles, not including DeKalb, Morgan and Lawrence, nor those north of the Tennessee.

The thickness of the beds, it seems, is quite favorable to mining operations, while their number and extent render them inexhaustible.

It is sold without screening—a circumstance peculiar to the Alabama coal. The coal is bituminous. It has been satisfactorily tested for the purpose of generating steam and gas on the British steamer Dee and at the Mobile gas works. An analysis made for Prof. Lyell also shows that it compares favorably with the best in the United States.

The inclination of the beds frequently causes the coal to appear on the surface. Persons purchasing or entering lands for coal rarely select any other, relying entirely upon these external indications.

Many who have made their selections and purchases in this way will be utterly disappointed. Numerous instances might be presented where mining operations conducted without the aid of geological investigation have resulted in ruinous consequences.

The discovery of cannel coal in the State is worthy of attention.

A fact of great economical interest is the occurrence of iron ore and fire proof materials along the verge of the coal fields.

Associated with the coal itself, beds of carbonate of iron are found, so that Alabama can boast among her mineral productions all the workable ores of iron, excepting one, and that also, it is believed, will be discovered.

When the mineral resources of this portion of the State become fairly known and appreciated and channels of communica-

tion are opened for transportation to the navigable streams, no one can doubt the immediate result.

With such a field of discovery before us, shall we hesitate as to the policy of affording the means of pursuing the investigations already commenced?

We find New York prosecuting her survey at a cost of one hundred thousand dollars; South Carolina has expended ten thousand, while Vermont is observing a very economical and useful mode, which the committee think well adapted to the situation of our own State.

The survey is conducted by an officer in her university, who employs assistants and pays them a moderate salary when in the field or otherwise on duty. She appropriates two thousand dollars annually for three years.

Alabama has nearly six times the territory of Vermont, and the expenses here would certainly be equal to, and would probably exceed the expenses there.

It is believed that the appropriation of a similar amount in Alabama for five years, together with what has already been done, would accomplish much.

The agricultural survey must necessarily swell the expenses, as an analysis of soils is necessary, and each analysis will cost forty dollars.

To show that two thousand dollars is the lowest possible sum, a copy of the expenses of the geological survey in Vermont for one year is added.

The committee are fearful they have not quite reached public demand in not asking a larger appropriation, and that the survey be accomplished in a shorter time. But believing that the plan proposed will keep up with the industry of their fellow-citizens, already to quite an extent, devoted to new channels, and will aid largely in advancing our State to the high position to which she is destined, they cheerfully and confidently present the following bill, and recommend its passage.

EXPENSES:

Of the survey in Vermont, from March 1st, to Sept. 1st, 1845.

Travelling expenses of principal and assist-

ants \$321 38

Salary of principal geologist 325 00

Services of president Hitchcock 75 00

Salaries of two field assistants 400 00

Salaries of occasional assistants 89 48

Apparatus and expense of depot of specimens 78 68

Postage and transportation 46 73 — \$1,326 38

From Sept. 1845, to March 1st, 1846.

Travelling expenses.....	\$25 00
Salary of principal Geologist.....	275 00
Occasional assistants.....	55 00
Barometer case and packing.....	68 00
Depot of specimens, rent and fuel.....	20 00
Postage and transportation.....	20 00
Chemical Analysis.....	200 00—\$663 00
	<hr/>
	\$1,999 22

Mr. Goldsby moved to lay the report on the table, and that 2000 copies be printed.

Mr. Foscue demanded the yeas and nays; and the motion to lay on the table and print prevailed. Yeas 56; nays 27.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Baker, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Creagh, Crews, Corsbie, A. R. Davis, Gates, Gazzam, Goldsby, Groce, Gunter, Hall, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Humphreys, Irby, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Neak, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, E. L. Smith, Swanson, Stone, Walker, Watkins, Watts, Williams, Wright and Young—56.

Those who voted in the negative are; Messrs. Ashley, Austin, Barrow, Benbow, Boon, Chisolm, Coleman, Coupland, Critcher, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Goodman, Gonder, Heflin, Hudson, Kendrick, McLeod, Patton, Perryman, Simmons, Thorn, Whatley, Wilson and Wood—27.

And the bill accompanying the report was read and ordered to a second reading.

A message from the Senate by Mr. Kidd :

Mr. Speaker: The Senate has concurred in the resolution of the House, rescinding the joint resolution by which the election for Treasurer and Comptroller were ordered for this day.

The hour of 12 M. having arrived, the Senate by invitation appeared in the hall of the House, and the two houses in convention proceeded to the election of a judge of the 9th judicial circuit of the State of Alabama.

Messrs. Robert Baugh, John J. Woodward and Jefferson Falkner being in nomination :

First ballot :

Those who voted for Mr. Baugh are; Messrs. President, Abbercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLeMore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—17. Messrs. Ashley, Baker, Benbow, Blevins, Chisolm, Cooper, Creagh, Crews, L. R.

Davis, Gonder, Gates, Gazzam, Goodman, Groce, Gunter, Hatcher, W. Hendrix, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Swanson, Walker, Watkins, Watts and Young of the House—40.

Those who voted for Mr. Woodward are, Messrs. Beckett, Frazier, Fleming, Garland, Garrett, Godbold, Kelly, Martin, Storrs, Wilson and Winston, of the Senate—11. Messrs. Speaker, Brasher, Coupland, Critcher, N. Davis, Edwards, Hall, Hill, Humphreys, Irby, James, J. H. King, M. A. King, McLeod, Quinn, Rather, Stone, Turner, Williams and Wood of the House—20.

Those who voted for Mr. Falkner are, Messrs. Brindley, Coggin, Compton, Gray and Matthews, of the Senate—5. Messrs. Adams, Austin, Aldridge, Barrow, Boon, Bridges, Cain, Camp, Coleman, Cody, Corsbie, A. R. Davis, Foscue, Franks, Goldsby, Hardwick, Heflin, M. Hendricks, A. Holly, Hudson, Kendrick, McDonald, McMullen, Murphy, Neal, Perryman, Rowe, Ryan, Simmons, Storrs, Thorn, Whatley, Wilson and Wright, of the House—34.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the second time.

Those who voted for Mr. Baugh are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, McLemore, Morrisett, Murphy, C'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—17. Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hatcher, M. Hendricks, W. Hendrix, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—45.

Those who voted for Mr. Woodward are, Messrs. Fleming, Garland, Garrett, Godbold, Kelly, Martin, Storrs, Watrous and Wilson, of the Senate—9. Messrs. Speaker, Adams, Brasher, Coupland, Edwards, Hall, Hill, Humphreys, Irby, James, J. H. King, M. A. King, McLeod, Quinn, Rather, Turner, Williams and Wood, of the House—18.

Those who voted for Mr. Falkner are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Gray and Matthews, of the Senate—7. Messrs. Aldridge, Austin, Barrow, Boon, Bridges, Camp, Coleman, Cody, Corsbie, N. Davis, Foscue, Franks, Goldsby, Hardwick, Heflin, A. Holly, Hudson, Kendrick, McDonald, McMullen, Murphy, Neal, Perryman, Rowe, Ryan, Simmons, Stone, Thorn, Whatley, Wilson and Wright, of the House—31.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a third time.

Those who voted for Mr. Baugh are. Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, Mc-Lemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—17. Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hatcher, M. Hendricks, W. Hendrix, A. Holly, William Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—45.

Those who voted for Mr. Woodward are, Messrs. Frazier, Fleming, Garland, Garrett, Godbold, Kelly, Martin, Wilson and Winston, of the Senate—9. Messrs. Speaker, Brasher, Coupland, L. R. Davis, Edwards, Hall, Hill, Humphreys, Irby, James, Jemison, J. H. King, M. A. King, McLeod, Quinn, Rather, Turner, Williams and Wood, of the House—18.

Those who voted for Mr. Falkner are, Messrs. Beckett, Brindley, Coggin, Compton, Gray, Matthews, Storrs, of the Senate—7. Messrs. Adams, Aldridge, Austin, Barrow, Boon, Bridges, Camp, Coleman, Cody, Corsbie, N. Davis, Foscue, Franks, Goldsby, Hardwick, Hudson, Heffin, Kendrick, McDonald, McMullen, Murphy, Neal, Perryman, Rowe, Ryan, Simmons, Stone, Thorn, Whatley, Wilson, and Wright, of the House—31.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time.

Those who voted for Mr. Baugh are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant and Ware, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Cooper, Creagh, Critcher, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—45.

Those who voted for Mr. Woodward are, Messrs. Beckett, Frazier, Fleming, Garland, Garrett, Godbold, Kelly, Martin, Watrous, Wilson and Winston, of the Senate—11. Messrs. Brasher, N. Davis, Edwards, Hall, Hill, Humphreys, Irby, James, J. H. King, M. A. King, McLeod, Quinn, Rather, Stone, Turner, Williams and Wood, of the House—17.

Those who voted for Mr. Falkner are, Messrs. Brindley, Cog-

gin, Compton, Gray, Matthews and Storrs, of the Senate—6. Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Bridges, Camp, Coleman, Cody, Coupland, Crews, Corsbie, A. R. Davis, Foscue, Franks, Goldsby, Hardwick, Heflin, Hudson, Hendricks, McDonald, McMullen, Murphy, Neal, Perryman, Rowe, Ryan, Simmons, Thorn, Whatley, Wilson, Wright, of the House—33.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fifth time :

Those who voted for Mr. Baugh are, Messrs. President, Abercrombie, Buford, Cocke, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Cooper, Creagh, Critcher, A. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, M. Hendricks, W. Hendrix, A. Holly, Jemison, Jones, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—43.

Those who voted for Mr. Woodward are, Messrs. Beckett, Frazier, Fleming, Garland, Garrett, Godbold, Kelly, Martin, Storrs, Wilson, of the Senate—10. Messrs. Speaker, Brasher, Coupland, Crews, L. R. Davis, N. Davis, Edwards, Hall, Hill, Humphreys, Irby, James, J. H. King, M. A. King, McDonald, McLeod, Rafter, Turner, Williams, Wood and Wright, of the House—21.

Those who voted for Mr. Falkner are, Messrs. Brindley, Coggin, Compton, Gray, Matthews and Winston, of the Senate—6. Messrs. Adams, Aldridge, Austin, Barrow, Boon, Camp, Coleman, Cody, Corsbie, Foscue, Franks, Goldsby, Hardwick, Heflin, A. Holly, Hudson, Kendrick, McDonald, McGuire, Murphy, Neal, Perryman, Quinn, Rowe, Ryan, Simmons, Stone, Thorn, Whatley and Wilson, of the House—30.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the sixth time :

Those who voted for Mr. Baugh are, Messrs. President, Abercrombie, Buford, Cocke, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stephenson, Stewart, Tarrant and Ware, of the Senate—15. Messrs. Ashley, Baker, Benbow, Blevins, Cain, Chisolm, Cooper, Crews, A. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, W. Hendrix, W. Holly, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Patton, Perkins, Pickett, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Young, of the House—41.

Those who voted for Mr. Woodward are, Messrs. Beckett, Brindley, Compton, Frazier, Fleming, Garland, Garrett, Godbold

Kelly, Martin, Storrs, Watrous, Wilson, Winston, of the Senate—14. Messrs. Adams, Brasher, Coupland, Critcher, L. R. Davis, N. Davis, Edwards, Hall, Hill, Humphreys, Irby, James, J. H. King, M. A. King, McDonald, McLeod, Neal, Quinn, Rather, Turner, Williams, Wood and Wright, of the House—14.

Those who voted for Mr. Falkner are, Messrs. Coggin, Gray, Matthews, of the Senate—3. Messrs. Aldridge, Anstin, Barrow, Boon, Camp, Coleman, Cody, Creagh, Corsbie, Foscue, Franks, Goldsby, Hardwick, Heflin, M. Hendricks, A. Holly, Hudson, Kendrick, McGuire, McMullen, Murphy, Perryman, Rowe, Ryan, Simmons, Stone, Thorn, Whatley, Wilson, of the House—29.]

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a seventh time, the name of Mr. Baugh being withdrawn.

Those who voted for Mr. Woodward are, Messrs. President, Abercrombie, Beckett, Buford, Compton, Edwards, Frazier, Fleming, Garland, Garrett, Godbold, Judge, Kelly, Manning, Martin, Morrissett, Murphy, O'Neal, Stewart, Tarrant, Ware, Watrous, Wilson and Winston, of the Senate—24. Messrs. Speaker, Adams, Austin, Baker, Benbow, Blevins, Brasher, Chisolm, Cooper, Coupland, Critcher, L. R. Davis, N. Davis, Edwards, Foscue, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, Hill, W. Holly, Humphreys, Irby, James, Jemison, Jones, J. H. King, M. A. King, Ligon, Lockwood, McCollum, McLeod, Patton, Perkins, Quinn, Rather, Reese, Reynolds, Rives, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Williams, Wood and Young, of the House—53.

Those who voted for Mr. Falkner are, Messrs. Brindley, Coggin, Gray, Gunn, Matthews, McLemore and Stephenson, of the Senate—7. Messrs. Aldridge, Barrow, Boon, Bridges, Cain, Camp, Coleman, Cody, Creagh, Crews, Corsbie, A. R. Davis, Franks, Goldsby, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, Hudson, Kendrick, Kennedy, Lea, McCall, McDonald, McGuire, McMullen, Murphy, Neal, Perryman, Pickett, Rowe, Ryan, Simmons, E. L. Smith, Thorn, Watkins, Watts, Whatley, Wilson and Wright, of the House—41

Mr. Woodward having received a majority of the whole number of votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected judge of the ninth judicial circuit for the time prescribed by the constitution.

2d. A medical board for the town of Florence, Drs. A. F. Bracken, W. H. Newsom and Francis Sykes, being in nomination, each of whom having received the whole number of votes given, was declared by Mr. Speaker to have been duly and constitutionally elected for the term prescribed by law.

3d. A judge of the county court for the county of Dale, Benjamin Waldren being alone in nomination.

Messrs. Baker, Camp, L. R. Davis, Edwards, Goldsby, W. Hendrix, W. Holly, Humphreys, Irby, M. A. King, McCall, McDonald, Pickett, Rather, Ryan and R. H. Smith, of the House, voted for Mr. Elisha Matthews.

The remaining Senators and Representatives voted for Mr. Waldren.

Mr. Waldren having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected judge of the county court of the county of Dale, for the term prescribed by the constitution.

4th. Trustees of the University.

For the second judicial circuit, J. B. Jenkins being in nomination.

For the 4th judicial circuit, L. P. Walker being in nomination.

For the 5th judicial circuit, Chas. S. Jones being in nomination.

For the 6th judicial circuit, John W. Portis being in nomination.

For the 7th judicial circuit, Jas. M. Beckett being in nomination.

Each of whom having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Trustees of the University, respectively for the term prescribed by law.

The Senate withdrew and the House adjourned.

AFTERNOON SESSION, January 18th, 1850.

The House met pursuant to adjournment.

Mr. Cain introduced a bill for the relief of Wm. O. McKey, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Watts, from the committee on the University, to whom was referred such portions of Governor Chapman's and Governor Collier's messages as relates to the University, and other documents of like character, reported a bill authorising the governor to receive from the Federal government the set of balances intended for the adjustment of standard weights and measures heretofore granted to this State by Congress. The bill is herewith reported, and requires the governor to have the balances, when received, placed under the care and direction of the faculty of the University.

By this course the State is released from all expense of having built a house suitable for the preservation of said balances, and the University will be materially benefitted in having the use of balances.

The committee further instruct me to report a bill providing for the payment of interest on \$300,000 from the 8th of November, 1847, to the 21st day of February, 1848. In the act, passed at the last session of the legislature, settling the matters of account

between the University and the State, by an oversight the committee supposes payment of the interest on this sum at six per cent. per annum was not provided for. It is but justice to the University that this sum should be paid.

The committee think that, with the limited means of the University, it would not be proper to establish a professorship of agriculture in the University, as recommended by Gov. Chapman. Without an appropriation from the State treasury it would be impracticable. That institution now has a professorship of geology, mineralogy and agricultural chemistry; and the duties of this department render, in a great measure, unnecessary the adoption of Governor Chapman's recommendation. In most colleges and universities of the United States, the subjects of geology, mineralogy and agricultural chemistry are mere adjuncts to other professorships. In this respect our University is in advance of other institutions. The recommendations of Governor Chapman in reference to charity scholars, cannot be adopted. The law as it now stands, and has stood for many years, presents all the advantages to that class consonant with the means of the University. If it should be thought advisable to make an appropriation out of the State means to extend these privileges, your committee would cheerfully recommend the same as both admirably suited to the spread of general intelligence and consonant with the spirit of the age.

The board of trustees recommended a geological survey of the State, and prays that the expense shall be paid by the State. Your committee would add their recommendation to that of the trustees. Nothing, in the opinion of your committee, would tend more to the development of Alabama's unrevealed mineral resources and the opening of new fields of enterprise to practical labor and of scientific research. The bare mention of such objects ought, in the opinion of your committee, to create the liveliest interest and insure the warmest approbation of every citizen of Alabama and of every lover of science.

Our University is now acquiring a reputation of which every Alabamian should be proud. It ought, as it deserves, to receive the fostering care of the legislature and of the citizens of the State. With this, it will, year after year, send forth hosts of young men who will become ornaments to the State, and will continue to be the central point from which will emanate rays of science and knowledge, illuminating the whole State.

All of which is most respectfully submitted.

The report was concurred in, and the bills were severally read, on the motion to suspend the constitutional rule, which motion was lost, four-fifths not voting to suspend. Yeas 52; nays 26.

Those who voted in the affirmative are, Messrs. Adams,

Aldridge, Baker, Benbow, Cain, Camp, Cooper, L. R. Davis, Foscue, Gardner, Gazzam, Goldsby, Gonder, Groce, Gunter, Hall, W. Hendrix, W. Holly, Hudson, Humphreys, Irby, James, Jemison, Jones, J. H. King, M. A. King, Lea, Ligon, McCall, McDonald, McGuire, McMullen, Neal, Patton, Perkins, Rather, Reynolds, Rives, Rowe, Ryan, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watts, Whatley, Watkins, Williams, Wood and Young—52.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Brasher, Chisolm, Cody, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Hardwick, Heflin, A. Holly, Kendrick, McCoillum, Murphy, Perryman, Quinn, Ryan, Simmons, Thorn and Wilson—26.

The bills were severally read the second time and ordered to be engrossed for a third reading.

Mr. Rather, from the committee on the 16th section fund, to whom was referred the petition of sundry citizens of township six, range five, west, in Monroe county, reported a bill relating to the 16th section, township six, range five.

The report was concurred in, and the bill read and ordered to a second reading.

Mr. Rather, from the same committee, to whom was referred the bill for the relief of the citizens of township sixteen, of range seven, east, in Benton county, reported the same back.

On motion of

Mr. Jemison, the bill was referred to the committee on the judiciary.

Mr. Rather, from the committee on the 16th section fund, to whom was referred a bill for the relief of the purchasers of section sixteen, township eight, range three, in the county of Marshall, reported that they have had the same under consideration and have instructed me to report that it would be inexpedient to pass said bill, which was concurred in.

On motion of

Mr. Adams, the report and bill were laid on the table.

Mr. Rather, from the same committee, to whom was referred the bill to regulate the application of the 16th section fund by the commissioners and trustees of the townships and school districts in this State, reported the same back.

Mr. N. Davis moved to amend the bill as follows:

And be it further enacted, That hereafter the commissioners of the several sixteenth sections in this State, shall have power, in all cases when they shall believe the same to be expedient, and for the interest of the township, to establish and fix a minimum in returning the sixteenth sections.

Which was adopted.

On motion of

Mr. N. Davis, the further consideration of the bill was postponed until Tuesday next, at 10 o'clock, A. M., and made the special order for that hour.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Mobile, relating "to free negroes working in the bay of Mobile," have had the same under consideration, and instruct me to report it as inexpedient to grant the prayer of the petitioners.

On motion of

Mr. James, the report and petition were laid on the table.

Mr. M. A. King, from the same committee, to whom was referred the petition of Henry Hunt, of Mobile, reported a bill to change the name of persons therein named.

And the bill was read and ordered to a second reading.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief Sarah Harris, of Autauga county, reported the same back, and the bill was ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of James B. Taylor, of Montgomery county, reported the same back as being improperly referred, and recommended its reference to the committee on the State bank and branches.

The report was concurred in, and the petition referred accordingly.

Mr. Jones moved to adjourn to 10 o'clock, to-morrow.

Mr. Cooper demanded the yeas and nays, and the motion to adjourn was lost. Yeas 30; nays 33.

Those who voted in the affirmative are, Messrs. Aldridge, Baker, Brasher, Camp, Cain, Foscue, Franks, Gardner, Gazzam, Groce, James, Jones, J. H. King, M. A. King, Lea, Ligon, McDonald, McVullen, Patton, Quinn, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Walker, Watkins, Watts, Williams and Wood—30.

Those who voted in the negative are, Messrs. Adams, Ashley, Austin, Boon, Bridges, Chisolm, Cody, Cooper, Coupland, Critcher, Corsbie, L. R. Davis, N. Davis, Goldsby, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, W. Hendrix, A. Holly, Wm. Holly, Hudson, Humphreys, Irby, McCall, Murphy, Perryman, Quinn, Ryan, Simmons, Thorn and Whatley—33.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of Julius A. Martiniere, reported the same back, and the bill was read and ordered to a second reading.

Mr. R. H. Smith moved to lay the bill on the table, which motion was lost.

Mr. M. A. King moved to adjourn.

Mr. Cooper demanded the yeas and nays, and the motion to adjourn prevailed. Yeas 36 ; nays 12.

Those who voted in the affirmative are, Messrs. Adams, Baker, Cain, Camp, Chisolm, Cody, Corsbie, N. Davis, Foscue, Franks, Gardner, Groce, Gunter, Hardwick, W. Holly, Irby, Jones, J. H. King, M. A. King, Lea, Ligon, McCall, McMullen, Patton, Quinn, Rather, Simmons, R. H. Smith, Stone, Swanson, Thorn, Walker, Watts, Whatley, Williams and Wood—36.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Austin, Boon, Cooper, Coupland, L. R. Davis, Hall, Heflin, W. Hendrix, Hudson and Murphy—12.

SATURDAY, January 19th, 1850.

The House met pursuant to adjournment.

Mr. Foscue, from the select committee to whom was referred the bill construing an act entitled an act to incorporate the Central plank road company, passed at this session of the Legislature, together with a substitute for said bill, reported adversely thereto.

On motion of

Mr. Jemison, the report was laid on the table.

Mr. Jemison, from the minority of the select committee of five to whom was referred "a bill to be entitled an act construing an act to incorporate the Central plank road company, passed at this session of the Legislature," and the substitute therefor, differing in their views and opinions from the majority of said committee, respectfully submit the following as a part of their reasons for dissenting from the majority's report :

The bill incorporating said Central plank road company grants for all time to come the exclusive right of connection by plank road between the waters of the Mobile bay and the Tennessee river. This exclusive privilege and unrestricted monopoly is not only, in our opinion, against public policy, but against the constitution of our State. The very first section of our declaration of rights declares "that all freemen, when they form a social compact, are equal in rights, and that no man or set of men are entitled to exclusive, separate, public emoluments or privileges but in consideration of public services." That a monopoly so extensive as the exclusive right, for all time to come, of connection by plank road between the waters of Mobile bay and the Tennessee river, is opposed to both the spirit and letter of the above quoted section of our bill of rights, is so apparent no argument on our part can make it more manifest.

Your committee have other though minor objections to the charter of said Central plank road company. The charter of

said company prohibits any connection with the road proposed to be constructed without the consent of the company, by any other individual or company constructing other plank roads. There is also authority granted to the said company to erect bridges across all streams of water, without reservation or restriction for the protection of the navigation of any such stream against any obstruction by reason of said bridges; both of which last mentioned provisions are certainly against public policy, if not against the spirit of the constitution.

Mr. Cooper moved to lay the substitute on the table, which motion prevailed.

Mr. Gunter moved to lay the bill on the table, which was lost.

Mr. Jemison moved to amend the bill by striking out the words :

“ Provided, the said individual or association and the said central plank road company, cannot agree upon the terms of such connection,” in the first part of the section, which motion prevailed, and the words “ not however running parallel with said central plank road at a nearer distance than ten miles, except at or near its northern terminus.”

A message from the Senate by Mr. Kidd :

Mr. Speaker: The Senate has adopted the following resolution :

Resolved, That, with the concurrence of the House of Representatives, the two Houses will meet in convention this day at 12 M. for the purpose of electing a State Treasurer and Comptroller of Public Accounts.

Mr. M. A. King moved to amend by adding Secretary of State, which was adopted.

Mr. N. Davis moved to amend by striking out 12 M. and inserting 3 o'clock, P. M., which was adopted, and the resolution as amended was adopted.

A message from the Senate by Mr. Kidd :

Mr. Speaker: The Senate concurs in the first amendment of the House to the Senate bill entitled an act for the continuation of a commissioner and trustee to settle the remaining affairs of the State Bank and branches, and have amended the second amendment of the House as therein shown; the Senate also, concurs in the amendment of the House to the Senate resolution, to elect a Treasurer and Comptroller this day at 12 o'clock, M.

Mr. Hardwick offered the following resolution, which was adopted :

Resolved, That the message be returned to the Senate, and that it be asked to explain its action on the amendments proposed by the House.

General orders :

The hour of 10½ having arrived, the House proceeded to the consideration of the general orders :

The engrossed bills:

To authorise Wm. P. Brown to build a toll bridge across Big Cahawba river:

Enlarging the powers of the intendant and council of the town of Eutaw, in Greene county:

To authorise Oliver S. Quinn to erect a dam across Cahawba river:

To repeal an act to improve the navigation of Bayou La Batre in Mobile county:

In relation to guardians:

To incorporate the Alabama and Florida rail road company:

To provide for assessment and collection of taxes in Covington county:

In relation to the presentation of claims against the estates of deceased persons:

To emancipate Arthur, a slave:

To change the names of persons therein named:

For the relief of Mary Martin, of Perry county:

For the relief of Thos. B. Jones, jailor of Macon county:

To incorporate the Wedowee and Arbacoochee rail road company:

To establish a captain's beat on the Lookout mountain, in Cherokee county:

For the relief of Bradford Hambrick, of Madison county:

To incorporate the Mobile Dog river shell or plank road company:

For the relief of Sarah Harris, of Autauga county:

To authorise the Governor to receive from the federal government a set of balances intended for an adjustment of standard weights and capacity measures, granted to this State by Congress:

Were severally read the third time and passed.

Engrossed bill providing for a code of statutes of Alabama; and for the preparation of a code of practice in the courts of this State, was read the third time.

Mr. Wilson demanded the yeas and nays on the passage of the bill. Yeas 71; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Ashley, Baker, Benbow, Blevins, Ebon, Brasher, Bridges, Camp, Cain, Chisolm, Cody, Cooper, Coupland, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Foscue, Gardner, Gazzam, Goldsby, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, W. Hendrix, Hill, Hough, Hudson, Humphreys, Irby, Jamison, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, McCall, McDonald, McGuire, McMullen, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams and Wood--74.

Those who voted in the negative are, Messrs. Austin, Franks, A. Holly, McCollum, Murphy, Wilson and Young—9.

The bill from the Senate to provide for the more effectual prosecution of persons trading illegally with slaves was taken up.

The question recurred on passing the bill,
And then the House adjourned.

AFTERNOON SESSION, January 19th, 1850.

The House met pursuant to adjournment.

The Senate, by invitation, appeared in the hall of the House, and the two houses in convention proceeded to the election of a comptroller of public accounts, Joel Riggs and Thos. S. Tate being in nomination.

Those who voted for Mr. Riggs are, Messrs. President, Beckett, Buford, Coggin, Compton, Frazier, Fleming, Garland, Godbold, Gray, Kelly, Manning, Martin, Matthews, Morrissett, Stephenson, Stewart, Storrs, Tarrant, Wilson and Winston, of the Senate—21. Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Boon, Brasher, Bridges, Cain, Camp, Cody, Coleman, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Irby, James, Jemison, Kendrick, J. H. King, M. A. King, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Thora, Turner, Watkins, Whatley, Williams, Wilson, Wood, Wright and Young, of the House—69.

Those who voted for Mr. Tate are, Messrs. Abercrombie, Cocke, Edwards, Garland, Gunn, Judge, Murphy, O'Neal, Tarrant, Ware and Watrous, of the Senate—11. Messrs. Ashley, Baker, Benbow, Chisolm, Cooper, L. R. Davis, Gardner, Gazzam, Goodman, Gouder, Grace, Gunter, Hatcher, Jones, Kennedy, Lea, Ligon, McCollum, Reese, Rives, Storrs, Swanson, Walker and Watts, of the House—24.

Mr. Foscutt voted for Mr. Saxon.

Mr. Riggs having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected comptroller of public accounts for the term prescribed by the constitution.

A State treasurer.

William Graham alone being in nomination.

Messrs. Garland and Wilson, of the Senate, and Messrs. Ashley, Gardner and Pickett, of the House, voted for Mr. Brindley.

The remaining Senators and Representatives voted for Mr. Graham.

Mr. Graham having received a majority of all the votes given, was declared, by Mr. Speaker, to have been duly and constitutionally elected State treasurer for the term prescribed by the constitution.

A Secretary of State.

William Garrett, John S. Storrs and V. M. Benham being in nomination.

Those who voted for Mr. Garrett are, Messrs. Beckett, Brindley, Coggin, Compton, Frazier, Garrett, Godbold. Gray, Kelly, Martin, Matthews and Stepenson, of the Senate—12. Messrs. Adams, Aldridge, Austin, Boon, Brasher, Cain, Camp, Coleman, Cody, Coupland, Crews, Critcher, A. R. Davis, Edwards, Foscue, Franks, Goldsby, Hall, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hudson, Irby, James, Kendrick, J. H. King, M. A. King, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Perryman, Quinn, Rowe, Ryan, Skelton, Simmons, Stone, Turner, Whatley, Williams, Wilson, Wood, Wright and Young, of the House—50.

Those who voted for Mr. Storrs are, Messrs. President, Abercrombie, Buford, Cocke, Edwards, Gunn, Judge, Manning, Morrisett, Murphy, O'Neal, Storrs, Stewart, Tarrant, Ware and Watrous, of the Senate—16. Messrs. Ashley, Baker, Benbow, Blevins, Chisolm, Cooper, Gardner, Gates, Gazzam, Goodmail, Gonder, Gunter, Hatcher, W. Hendrix, Jemison, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, Perkins, Reese, Reynolds, Rives, E. L. Smith, R. H. Smith, Walker, Watkins and Watts, of the House—32.

Those who voted for Mr. Benham are, Messrs. Fleming, Garland, Wilson and Winston, of the Senate—4. Messrs. Speaker, Corsbie, L. R. Davis, N. Davis, Hough, Patton, Pickett, Rather and Thorn, of the House—9.

Mr. Garrett having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Secretary of State for the term prescribed by the constitution.

The Senate withdrew, and the House resumed the consideration of its appropriate business.

The House resumed the consideration of the bill from the Senate for the more effectual prosecution of persons trading illegally with slaves.

Mr. Hill moved to amend the bill by engrossed ryder, as follows :

Provided, that in all indictments under this act the State shall aver and set forth the name or names of the negro or negroes charged to have traded with.

Said ryder was read once.

Mr. M. A. King moved to lay the bill and amendment on the table.

Upon which question

Mr. Foscue demanded the yeas and nays, and the motion was lost. Yeas 44; nays 48.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Brasher, Cain, Camp, Cody, Cooper, A. R. Davis, L. R. Davis, Edwards, Gardner, Goldsby, Groce, Gunter, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, M. A. King, Lea, Ligon, McCollum, McDonald, McGuire, McMullen, Murphy, Perkins, Quinn, Rives, Storrs, Thorn, Turner, Walker, Watts, Whatley, Wood and Wright—44.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Blevins, Bridges, Chisolm, Coleman, Coupland, Crews, Critcher, Corsbie, N. Davis, Franks, Foscue, Gates, Gazzam, Goodman, Gonder, Hatcher, Hill, Hough, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lockwood, McCall, McLeod, Neal, Patton, Perryman, Pickett, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Watkins, Williams, Wilson and Young—48.

The said engrossed ryder was read the second and third times and adopted.

Mr. Gardner demanded the yeas and nays on the passage of the bill. The bill passed. Yeas 45; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Blevins, Boon, Chisolm, Coupland, Crews, Critcher, Corsbie, Foscue, Franks, Gates, Gazzam, Goodman, Gonder, Hatcher, Hill, Irby, James, Jones, Kendrick, Kennedy, M. A. King, McCall, McLeod, Neal, Patton, Perryman, Pickett, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Williams, Wilson, Wright and Young—45.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Brasher, Bridges, Cain, Camp, Cody, A. R. Davis, L. R. Davis, N. Davis, Edwards, Gardner, Goldsby, Groce, Gunter, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, J. H. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McMullen, Murphy, Perkins, Quinn, Storrs, Thorn, Turner, Walker, Watkins, Watts, Whatley and Wood—44.

The bill to regulate camp hunting in the county of Conecuh, and the bill to change the time of holding the circuit court of Benton county, were read the second time, and the constitutional rule being suspended, were severally read the third time and passed.

The bills:

To refund certain taxes overcharged:

To compensate clerks and sheriffs in certain cases:

To repeal in part an act therein named:

Were severally read the second time and referred to the committee on the judiciary.

The joint resolutions ratifying certain proposed amendments to the constitution, were read the second time, and, on motion of

Mr. Jones, laid on the table.

The bill to amend an act to incorporate the Girard rail road company, approved 21st of January, 1846, was read the second time and ordered to be engrossed for a third reading.

The bill to abolish tare or gross weight on bales of unmanufactured cotton, was read the second time.

Mr. Gardner demanded the yeas and nays on ordering said bill to a third reading. The bill was ordered. Yeas 56; nays 21.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Goodman, Gonder, Groce, Hardwick, A. Holly, Wm. Holly, Hough, Hudson, Kennedy, McCall, McCollum, McGuire, McMullen, McLeod, Murphy, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, Simmons, Stone, Swanson, Thorn, Turner, Walker, Williams and Wright—56.

Those who voted in the negative are, Messrs. Speaker, Bridges, Gates, Goldsby, Heflin, W. Hendrix, Irby, James, Jones, J. H. King, M. A. King, Lea, Ligon, Lockwood, McDonald, Patton, R. H. Smith, Watts, Whatley, Wilson and Wood—21.

The bill to alter and amend the law in relation to keeping State prisoners, was read the second time.

Mr. Cooper moved to lay the bill on the table.

Pending which question,

The House adjourned.

MONDAY, January 21, 1850.

The House met pursuant to adjournment,

And proceeded to the consideration of the special order for the hour of 10 o'clock, A. M., it being the adverse report of the committee on ways and means to the bill appropriating money to build a new State capitol.

The question recurred on the adoption of the substitute reported by the majority of the committee.

On motion of

Mr. Williams, the further consideration of the whole subject was postponed until Friday, 29th inst., at 10 o'clock, and made the special order for that hour.

Mr. Watts presented the account of John Powell, which was referred to the committee on accounts.

The bill from the Senate granting the right of way to the Nashville and Chattanooga rail road company through Jackson county and the privilege of constructing a bridge across the Tennessee river, in said county, was taken from the messages and read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. N. Davis moved to amend the bill as follows:

By providing that the State shall have the right of taxing said road at any time before its completion, if it shall be deemed proper so to do.

Which was lost, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

The bill from the Senate to authorise the sale of part of the town common of Cahawba, was taken from the orders and read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

The bill from the Senate to incorporate the southern bank of Alabama was taken from the messages and read, and the constitutional rule being suspended, was read the second time forthwith.

On motion of

Mr. Jones, the further consideration of the bill was postponed until Thursday, 24th inst., at 10 o'clock, A. M., and made the special order for that hour, and one hundred copies ordered to be printed.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the accounts of James Francis and Caldwell Sullett, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of Charles Leavens, have considered the same, and instructed me to report it inexpedient to grant the prayer of the petitioner. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the petition of John S. Powell, reported a bill for the relief of J. S. Powell, which was concurred in and ordered to a second reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of Benjamin E. Reynolds, of Fayette county, reported adversely thereto.

On motion of

Mr. McCollum, the report was laid on the table and the petition referred to a select committee, to be composed of the delegations from Fayette and Pickens counties.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Robert M. Kinkle, reported a substitute therefor.

On motion of

Mr. Cooper, the report and bill were laid upon the table.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Oalvin Gully, of Greene county, reported the same back, and the bill was read the second time and ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Frank Alstalk, reported the same back, and the bill was ordered to be engrossed for a third reading.

Mr. M. A. King, from the same committee, to whom was referred the petition of sundry citizens of Randolph county, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of H. L. Stephenson, reported the same back, and the bill was ordered to a third reading; upon which question

Mr. Foscue demanded the yeas and nays. Yeas 53; nays 30.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Boon, Brasher, Cain, Chisolm, Coleman, Cody, Cooper, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Gazzam, Goldsby, Gonder, Hardwick, M. Hendricks, W. Hendrix, Hill, W. Holly, Hough, Hudson, Humphreys, James, M. A. King, Lea, McCall, McCollum, McGuire, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Rowe, Ryan, Simmons, Stone, Swanson, Thorn, Turner, Walker, Watkins, Watts, Williams, Wood and Wright—53.

Those who voted in the negative are, Messrs. Benbow, Blevins, Bridges, Camp, Coupland, Creagh, N. Davis, Foscue, Franks, Gardner, Gates, Goodman, Groce, Heflin, A. Holly, Jemison, J. H. King, Ligon, Lockwood, McDonald, McMullen, McLeod, Neal, Perryman, Reynolds, E. L. Smith, Storrs, Whatley, Wilson and Young—30.

A message from His Excellency the Governor, by Mr. Harrison :

EXECUTIVE DEPARTMENT, }
MONTGOMERY, Jan. 21, 1850. }

Sir: Herewith you will receive copies of two letters from the Treasury Department at Washington, which show the final action of the Comptroller in respect to the amount of the mistakes admitted to have been heretofore made by the Commissioner of the General Land Office, in stating the accounts between this State and the United States, of the two and three per cent. funds. To the credit of the former fund there is \$45,006, and to the

latter \$58,905 90-100. These several sums you will perceive are now subject to the order of the Governor.

H. W. COLLIER.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the bill for the relief of A. Sawyer, et al., of Randolph county, reported the same back. The bill was read the third time and passed.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of Eliza White, of Limestone county, reported that the redress sought for can be obtained in a general bill now pending before the General Assembly. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the petition of Joseph Phillips, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the account of Enoch Latham, reported a bill for the relief of Enoch Latham.

The bill was read and ordered to a second reading.

Mr. Hill, from the committee on internal improvements, to whom was referred the bill to incorporate the Benton and Greenville plank road company, reported the same back with amendments.

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Hill, from the same committee, to whom was referred the bill from the Senate appropriating the unappropriated half of the two per cent. fund, reported a substitute therefor.

Mr. Watts moved to amend the substitute by inserting the words "arising from the sale of public lands heretofore made."

Mr. Jemison moved to amend the substitute by striking out all in relation to the three per cent. fund.

Pending which question,

The House adjourned.

AFTERNOON SESSION, January 21st, 1850.

The House met pursuant to adjournment.

Mr. Bridges offered an amendment to the rules of the House, which lies over one day.

The House resumed the consideration of the report of the committee on internal improvements, on the bill from the Senate appropriating the unappropriated half of the two per cent. fund.

Mr. Jemison (by leave) withdrew the amendment offered by him this morning.

Mr. Lea moved to amend the substitute as follows :

"Strike out all after the enacting clause, down to the word

arising, and insert, one-half of the two per cent. fund which has or may hereafter at any time accrue to this State on account of the sales of public lands within her limits."

Mr. M. A. King moved to lay the amendment on the table; upon which question

Mr. Wm. Hendrix demanded the yeas and nays.

The motion prevailed. Yeas 50; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Blevins, Boon, Brasher, Bridges, Camp, Cooper, Coupland, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gates, Groce, Gunter, Hardwick, M. Hendricks, Hough, Irby, Jones, J. H. King, M. A. King, Lockwood, McDonald, McGuire, McLeod, Murphy, Neal, Pickett, Quinn, Reynolds, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Watkins, Whatley, Wilson, Wright and Young—50.

Those who voted in the negative are, Messrs. Benbow, Cain, Chisolm, Coleman, Cody, Creagh, A. R. Davis, Foscue, Gardner, Goldsby, Goodman, Gonder, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, Humphreys, James, Jemison, Lea, McCall, McCollum, McMullen, Patton, Perryman, Rather, Rives, Swanson, Thorn, Turner, Walker, Watts, Williams and Wood—36.

Mr. Camp moved to amend the substitute as follows:

"Provided, That the said road shall run the most practicable route from Montevallo to Gunter's landing."

Mr. Groce moved to lay said amendment on the table; upon which question

Mr. Edwards demanded the yeas and nays.

The motion prevailed. Yeas 42; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cooper, Critcher, Corsbie, L. R. Davis, Franks, Gates, Groce, Hardwick, M. Hendricks, Irby, James, Jones, J. H. King, M. A. King, Lockwood, McDonald, McMullen, Murphy, Pickett, Quinn, Reynolds, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Storrs, Walker, Watts, Whatley, Williams, Wilson, Wright, Young—42.

Those who voted in the negative are, Messrs. Benbow, Cain, Camp, Chisolm, Cody, Coupland, A. R. Davis, Edwards, Foscue, Gardner, Goldsby, Goodman, Gonder, Heflin, Wm. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Jemison, Lea, McCollum, McGuire, Neal, Perkins, Perryman, Rather, Ryan, Simmons, Swanson, Turner and Walker—32.

Mr. Stone moved to amend the substitute as follows:

"And be it further enacted, That the sum of fifteen thousand dollars of the three per cent. fund is hereby appropriated and placed under the control of three commissioners, to be appointed

by the Governor, who shall give bond as he shall direct, for the purpose of improving the navigation of the little Tombigby river : *Provided*, the State of Mississippi shall, at the next session of the legislature thereof, appropriate the like sum of fifteen thousand dollars for the same object.

Mr. M. A. King moved to lay said amendment on the table, upon which question, Mr. Stone demanded the yeas and nays. Yeas 40 ; nays 38.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Boon, Brasher, Bridges, Cooper, Critcher, Corsbie, L. R. Davis, N. Davis, Franks, Goodman, Gonder, Groce, Hardwick, Heflin, M. Hendricks, Irby, Jemison, J. H. King, M. A. King, McDonald, Murphy, Quinn, Rather, Reynolds, Rowe, Simmons, R. H. Smith, Storrs, Swanson, Thorn, Watkins, Watts, Whatley, Wright and Young — 40.

Those who voted in the negative are, Messrs. Ashley, Benbow, Cain, Camp, Chisolm, Cody, A. R. Davis, Foscue, Gardner, Gates, Gazzam, Goldsby, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, James, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, McMullen, McLeod, Neal, Patton, Perkins, Perryman, Pickett, Ryan, E. L. Smith, Stone, Turner, Walker and Williams—38.

Mr. Gardner moved to amend the substitute as follows :

“ That the one-half of the remaining portion of the two per cent. fund, now in possession of the State, be and the same is hereby set apart and appropriated to the construction of a rail road connecting the waters of the Tennessee river, with the navigable waters of the Mobile bay, so soon as the president and directors of said road shall have executed their bonds, with good personal security, payable to the Governor of the State of Alabama, for the time being, and his successors in office, conditioned for the faithful payment of said fund at the expiration of ten years from the date of said bond, together with interest, which shall accrue thereon, after the expiration of the first five years, payable annually at the rate of five per cent. per annum, for the last five years : *Provided*, that the payment of said funds and the interest thereon, shall be further secured by mortgage on real estate, which bond and mortgage shall be approved of the Governor as aforesaid, and provided further, that said company shall at the same time execute an additional bond payable to the Governor as aforesaid, in the penal sum of said bond, conditioned for the faithful application of said fund. Sec. — The president and directors of said company shall make annual reports to the Governor, immediately preceding the session of the Legislature, of the extent of construction and condition of said road, and the amount of said fund expended, to whom paid, and to what purposes applied.”

Mr. Cooper moved to lay the amendment on the table, upon which question,

Mr. Gardner demanded the yeas and nays, and the motion prevailed. Yeas 55; nays 26.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Blevins, Brasher, Bridges, Cooper, Coupland, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, M. Hendricks, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, J. H. King, M. A. King, Lea, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, E. L. Smith, R. H. Smith, Storrs, Thorn, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—55.

Those who voted in the negative are, Messrs. Benbow, Cain, Camp, Chisolm, Cody, Edwards, Foscue, Gardner, Goodman, Gonder, Heflin, A. Holly, W. Holly, Hudson, James, Ligon, McCall, McCollum, McMullen, McLeod, Perryman, Simmons, Swanson, Turner, Walker and Wood—26.

The question recurred on the adoption of the substitute, pending which question,

The House adjourned.

TUESDAY, January 22d, 1850.

The House met pursuant to adjournment.

A message from the Senate by Mr. Kidd:

Mr. Speaker: I am instructed by the Senate to deliver the following response of the Senate to the message from the House, asking an explanation of its action on the House amendments to the bill for the continuation of a commissioner and trustee, &c.

The Senate intends by its amendments to the amendment of the House, to concur in so much of the House amendment as refers to allow an increase of retrospective pay, and disagrees to the other portion of the amendment.

On motion of

Mr. Jemison, the House recedes from so much of its amendment as provided for retrospective compensation.

The House then resumed the consideration of the report of the committee on internal improvements, on the bill from the Senate appropriating the unappropriated half of the two per cent. fund.

The question recurred on the adoption of the substitute reported by the committee.

Mr. Foscue moved to amend the substitute as follows:

Amend the second section by striking out the words "pro rata" and also the words "according to distance;" amend the first proviso in the second section by striking out the word "one-fifth," and inserting "one-fourth."

On motion of

Mr. Cooper, the amendment offered by Mr. Foscue was laid on the table.

Mr. Humphreys moved to amend the substitute as follows :

That the sum of six hundred thousand dollars be appropriated in lieu of the two per cent. fund as specified in the bill.

Also by an additional section, as follows :

And be it further enacted, That no money shall be drawn out of the treasury, except on the following conditions : when the said company shall complete five miles of said road, the — of the State, shall cause to be advanced to the said company the sum of fifty thousand dollars, and the State of Alabama shall have a lien upon the road so completed, for the faithful application of the sum so advanced.

Pending which question,

The House adjourned.

AFTERNOON SESSION, January 22, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the report of the committee on internal improvements, on the bill from the Senate appropriating the unappropriated half of the two per cent fund.

The question recurred on the adoption of the amendment offered by Mr. Humphreys.

Mr. Blevins moved to lay the amendment of Mr. Humphreys on the table ; upon which question

Mr. Humphreys demanded the yeas and nays.

The motion was carried. Yeas 64 ; nays 7.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Benbow, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Goldsby, Groce, Hall, Hardwick, Heflin, M. Hendricks, William Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, James, Jones, J. H. King, M. A. King, Lea, Lockwood, McDonald, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Rather, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Walker, Watkins, Watts, Whatley, Williams, Wood and Young—64.

Those who voted in the negative are, Messrs. Critcher, Humphreys, McCollum, Rowe, Ryan, Simmons and Turner—7.

Mr. Bridges moved to amend the substitute as follows :

Insert in the third section after the word appropriated, "and that the said rail road shall be completed from the Alabama to the Tennessee river, within the period of ten years, and with the further condition that in case said road is not completed as

aforesaid, that then in that case, the said sum hereby appropriated shall be refunded by said corporation or corporations to the State treasurer."

Mr. Whatley moved to lay Mr. Bridges' amendment upon the table, upon which question,

Mr. Whatley demanded the yeas and nays, and the motion prevailed. Yeas 49; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Boon, Brasher, Camp, Cody, Cooper, Critcher, A. R. Davis, L. R. Davis, Franks, Gates, Goldsby, Groce Hardwick, Hatcher, M. Hendricks, Hill, Hough, Humphreys, Irby, Jemison, Jones, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McGuire, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Watkins, Whatley, Wright and Young—49.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Bridges, Cain, Chisolm, Coleman, Coupland, Creagh, Corsbie, N. Davis, Edwards, Foscue, Gardner, Gazzam, Goodman, Gonder, Gunter, Hall, Heflin, W. Hendricks, A. Holly, W. Holly, Hudson, James, Kendrick, Lea, Ligon, McCall, McMullen, McLeod, Neal, Perryman, Rives, Rowe, Simmons, Swanson, Turner, Walker, Watts, Williams and Wood—42.

Mr. N. Davis moved to lay the substitute reported by the committee on the table, upon which question,

Mr. Groce demanded the yeas and nays, and the motion to lay the substitute on the table, was lost. Yeas 33; nays 56.

Those who voted in the affirmative are, Messrs. Ashley, Benbow, Camp, Cody, Coupland, Creagh, N. Davis, Edwards, Foscue, Gardner, Goldsby, Gonder, Hall, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, James, Kendrick, Lea, Ligon, McCall, McLeod, Neal, Perryman, Rives, Rowe, Simmons, Swanson, Turner, Williams and Wood—33.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Blevins, Boon, Brasher, Cain, Coleman, Cooper, Critcher, Corsbie, A. R. Davis, L. R. Davis, Franks, Gates, Gazzam, Goodman, Groce, Hardwick, Hatcher, M. Hendricks, Hill, Hough, Humphreys, Irby, Jemison, Jones, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McGuire, McMullen, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Walker, Watkins, Watts, Whatley, Wright and Young—56.

Mr. Gonder moved to amend the substitute as follows:

"That all works of internal improvement commenced within the next two years, whether rail roads or plank roads, shall receive an equal appropriation of said three per cent. fund, according to

the length thereof, provided, that the funds in hands of the State commissioners, shall not be overdrawn for the next five years to come for the purposes aforesaid."

Mr. Aldridge moved to lay said motion on the table, which motion prevailed.

Mr. Foscue moved to amend the substitute as follows :

Amend at the end of the second section, "be it further provided that no portion of the funds appropriated by virtue of this act shall be paid over to the first two sections mentioned in this act, until satisfactory evidence is produced to the Governor, that at least four hundred thousand dollars of the capital stock of the Alabama and Tennessee river rail road company has been paid in."

Mr. Pickett moved to lay the amendment proposed by Mr. Foscue upon the table ; upon which question

Mr. Foscue demanded the yeas and nays.

The motion prevailed. Yeas 54 ; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Blevins, Boon, Brasher, Bridges, Camp, Cooper, Critcher, A. R. Davis, L. R. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hough, Humphreys, Irby, Jemison, Jones, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Walker, Watkins, Watts, Whatley, Wright. Young—54.

Those who voted in the negative are, Messrs. Benbow, Cain, Chisolm, Cody, Coleman, Coupland, Creagh, Corsbie, N. Davis, Edwards, Foscue, Gardner, Goodman, Gunter, Hall, Heflin, Hill, A. Holly, W. Holly, Hudson, James, Kendrick, Ligon, McCall, McMullen, McLeod, Perryman, Rives, Rowe, Ryan, Simmons, Swanson, Turner, Williams and Wood—36.

Mr. Humphreys moved to amend the substitute as follows :

Provided that no money shall be paid over until three miles of said road shall be graded and the wood laid down on either end thereof, then the sum of thirty thousand dollars shall be advanced to said company, and the State of Alabama shall have a lien on the road so completed for the faithful application of the money as advanced.

On motion of

Mr. M. Hendricks, the amendment proposed by Mr. Humphreys was laid on the table.

Mr. W. Hendrix moved to amend the substitute as follows :

Provided however that so much of the two per cent. fund as will, when added to the one hundred and twenty thousand dollars heretofore loaned to the Montgomery and West Point rail road company, make one-half of the aggregate amount of the

sum of said fund hereby proposed to be loaned or appropriated shall be and is hereby excepted out of the appropriation hereby made to a road from Cabawba west of Uniontown, in Perry county, which is in the direction of Jackson, in Mississippi, under such restrictions as may be prescribed by law.

Mr. W. Hendrix demanded the yeas and nays on the adoption of the amendment, which was lost. Yeas 26 ; nays 62.

Those who voted in the affirmative are, Messrs. Ashley, Blevins, Chisolm, Cooper, Creagh, A. R. Davis, Foscue, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, James, Kendrick, Lea, McLeod, Swanson, Turner, Williams and Wood—26.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Benbow, Boon, Brasher, Bridges, Cain, Camp, Coleman, Cody, Coupland, Critcher, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hardwick, Heflin, M. Hendrix, Hough, Humphreys, Irby, Jones, J. H. King, M. A. King, Ligon, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Walker, Watkins, Watts, Whatley, Wright and Young—62.

Mr. Edwards moved to amend said substitute as follows :

“ Provided, that said road, after it reaches Montavallo in Shelby county, shall then run to Cedar Grove, in Jefferson county, thence to Asheville, in St. Clair county, from Asheville to Ben-nettsville, and from thence to Gunter’s Landing.

Mr. Groce moved to lay the amendment proposed by Mr. Edwards upon the table, upon which question,

Mr. Groce demanded the yeas and nays, and the motion prevailed. Yeas 62 ; nays 27.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Austin, Baker, Benbow, Boon, Brasher, Bridges, Cooper, Critcher, A. R. Davis, L. R. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, Hatcher, M. Hendricks, Hill, W. Holly, Hough, Irby, Jones, J. H. King, M. A. King, Ligon, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Walker, Watkins, Watts, Whatley, Wood, Wright and Young—62.

Those who voted in the negative are, Messrs. Aldridge, Cain, Camp, Cody, Coleman, Coupland, Creagh, Corsbie, N. Davis, Edwards, Foscue, Gardner, Goodman, Gonder, Hall, Heflin, W. Hendrix, A. Holly, Hudson, Humphreys, James, Kendrick, Lea, McLeod, Ryan, Swanson, Turner and Williams—27.

Mr. Ryan moved to amend the substitute as follows :

Provided, That one-third of the whole appropriation shall be applied *pro rata* to the first thirty-two miles, beginning at the Tennessee river.

Mr. J. H. King moved the previous question; upon which motion

Mr. Hall demanded the yeas and nays, and the call for the previous question was sustained. Yeas 49; nays 39.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Austin, Benbow, Blevins, Boon, Brasher, Coleman, Cody, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hough, Irby, Jones, J. H. King, M. A. King, McCol-lum, McDonald, Murphy, Perryman, Pickett, Quinn, Reynolds, Rowe, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Watkins, Whatley, Wilson, Wright and Young--49.

Those who voted in the negative are, Messrs. Aldridge, Baker, Bridges, Cain, Camp, Chisolm, Coleman, Corsbie, Edwards, Fos-cue, Gardner, Goodman, Gonder, Gunter, Hall, Hefflin, Hill, A. Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Lea, Ligon, Lockwood, McGuire, McMullen, Neal, Patton, Rather, Rives, Swanson, Turner, Walker, Watts, Williams, Wood--39.

And then the House adjourned.

WEDNESDAY, January 23, 1850.

The House met pursuant to adjournment.

The amendment to the rules offered heretofore by Mr. Bridges, that hereafter this House shall meet at 9½ o'clock, A. M.; meet again at 7 o'clock and adjourn at 9 o'clock, P. M.

Mr. Hardwick moved to amend as follows :

That the night sessions be devoted to private and local bills. Which was adopted.

Mr. Wood presented the petition of sundry citizens of Autauga county, which was referred to the committee on the 16th section fund.

Mr. Jones presented the petition of James Malone, and others, of Mobile county, which was referred to the committee on the judiciary.

Mr. Watts presented the petition of sundry citizens of Mont-gomery county, which was read and referred to the committee on the 16th section fund.

Mr. McDonald offered joint resolutions for the relief of Richard G. Davis, which were read and ordered to a second reading.

Bills were introduced by :

Mr. A. R. Davis, to declare the north prong of the Fendrick branch of the Warrior river a public highway, and for other purposes :

Mr. Ligon, for the relief of Ambrose A. Phillips:

Mr. Cody, for the relief of James Mitchell:

Mr. Gunter, to authorise the arming of the Catoma Light Horse company.

Said bills were severally read and ordered to a second reading.

Mr. Patton introduced a bill requiring the judges of the supreme court to certify their examination of the record and brief of counsel in all cases taken to that court, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. Ligon introduced a bill to incorporate the Auburn branch rail road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. Humphreys introduced a bill to authorise the orphans' court of Madison county to order the sale or distribution of certain slaves, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. M. A. King introduced a bill appropriating the remaining balance of the three per cent. fund, which was read.

Mr. M. A. King moved to suspend the constitutional rule in order to give the bill a second reading forthwith.

Mr. N. Davis demanded the yeas and nays, and the rule was not suspended. Yeas 49; nays 41.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Baker, Blevins, Boon, Cain, Chisolm, Cooper, Creagh, L. R. Davis, Franks, Gates, Gazzam, Goodman, Groce, Gunter, M. Hendricks, Hough, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Ligon, Lockwood, McCollum, McDonald, Murphy, Patton, Pickett, Quinn, Rather, Reynolds, Rives, Ryan, Skelton, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts, Whatley, Wilson, Wood and Wright—49.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Austin, Brasher, Bridges, Camp, Coleman, Cody, Coupland, Crews, Corsbie, A. R. Davis, Edwards, Foscue, Goldsby, Gonder, Hall, W. Hendrix, Hatcher, Heflin, Hardwick, A. Holly, Wm. Holly, Hudson, Kendrick, J. H. King, McCall, McMullen, McLeod, Neal, Perkins, Perryman, Rowe, Simmons, Stone, Thorn, Turner, Walker, Williams and Young—41.

The bills were ordered to a second reading on to-morrow.

Mr. Jones introduced a bill to authorise Wm. B. Drake to establish a ferry across the Warrior river, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on roads, bridges and ferries.

Mr. Rives introduced a bill providing for the interest of certain wards therein named, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. Watts introduced a bill to authorise the appointment of more than three auctioneers in the city of Montgomery, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Lea introduced a bill to incorporate a company with authority to construct a plank road or rail road from Marion in Perry county, to the Alabama river, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. N. Davis moved to suspend the special order, to take up the resolution heretofore offered by Mr. Creagh, proposing to adjourn *sine die*, on the 1st day of February, upon which question,

Mr. N. Davis demanded the yeas and nays. The motion prevailed. Yeas 50; nays 40.

Those who voted in the affirmative are, Messrs. Ashley, Benbow, Boon, Bridges, Cain, Camp, Chisolm, Coleman, Cody, Coupland, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, N. Davis, Foscue, Franks, Gates, Gazzam, Goldsby, Gonder, Hardwick, A. Holly, W. Holly, Hough, Hudson, Humphreys, Jones, J. H. King, Lockwood, McCall, McDonald, Neal, Patton, Perryman, Pickett, Quinn, Rather, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Wilson and Wright—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Baker, Brasher, Cooper, Edwards, Gardner, Goodman, Groce, Gunter, Hall, Hatcher, Heflin, M. Hendricks, W. Hendrix, Irby, James, Kendrick, Kennedy, M. A. King, Lea, Ligon, McCollum, McMullen, McLeod, Murphy, Perkins, Reynolds, Rives, Rowe, Ryan, Skelton, Whatley, Williams, Wood and Young—40.

Mr. Gates moved to amend the resolution by striking out the first and inserting the eleventh.

Mr. Perkins called a division of the question, which was first taken on striking out the first February, which motion prevailed.

Mr. Perkins moved to fill the blank with the words:

“As soon as the business of the legislature is completed.”

Mr. N. Davis moved to lay the motion of Mr. Perkins on the table, which was carried.

Mr. Cooper moved to fill the blank with the 25th of February.

Mr. Hardwick moved to lay said motion on the table, which prevailed.

Mr. Rather moved to fill the blank with the 18th of February, which was lost.

The motion of Mr. Gates prevailed.

The question then recurred on the adoption of the resolution as amended ; upon which question

Mr. Cooper demanded the yeas and nays, and the resolution was adopted. Yeas 79 ; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hall, Hardwick, Hatcher, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Neal, Patton, Pickett, Quinn, Rather, Reynolds, Rowe, Skelton, Simmons, E. L. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—79.

Those who voted in the negative are, Messrs. Cooper, L. R. Davis, Gunter, Gardner, McCollum, Murphy, Perkins, Ryan and Wood—9.

Mr. N. Davis offered the following resolution, which was adopted :

“Resolved, That the assistant and engrossing clerks each be authorised to employ an assistant, as they may require in the enrolling and engrossing departments: *Provided*, No assistant thus employed shall receive more than four dollars per day.

The House then resumed the consideration of the report of the committee on internal improvements, on the bill from the Senate appropriating the unappropriated half of the two per cent. fund.

The question recurred on the adoption of the substitute reported by the committee ; upon which question

Mr. Blevins demanded the yeas and nays.

The substitute was adopted. Yeas 53 ; nays 38.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Blevins, Boon, Brasher, Coleman, Cooper, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Gunter, Hardwick, Hatcher, M. Hendricks, Hough, Humphreys, Irby, Jemison, Jones, Kennedy, J. H. King, M. A. King, McCollum, McDonald, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Walker, Watkins, Watts, Whatley, Wilson, Wright and Young—53.

Those who voted in the negative are, Messrs. Ashley, Benbow, Bridges, Cain, Camp, Chisolm, Cody, Coupland, Creagh, Crews,

Corsbie, Edwards, Foscue, Gardner, Gonder, Hall, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, James, Kendrick, Lea, Ligon, McCall, McMullen, McLeod, Neal, Perryman, Rowe, Skelton, Simmons, Swanson, Thorn, Turner, Williams and Wood—38.

Mr. Humphreys moved to amend the bill as follows :

“ And be it further enacted, That said company may construct the road to any point in the State of Alabama, north of the Tennessee river,” which was adopted.

Mr. Ryan moved to amend the bill as follows :

“ Provided, that one hundred thousand dollars be applied to the first thirty-four miles, beginning at the Tennessee river.”

Mr. J. H. King moved to amend the amendment as follows :

“ That the Coosa and Tennessee rail road company, instead of their pro rata, as heretofore provided, shall receive one hundred thousand dollars and no more, of the funds by this act appropriated.”

On motion of

Mr. Storrs, Mr. J. H. King's amendment was laid on the table.

The question recurred on the adoption of the amendment offered by Mr. Ryan, upon which question

Mr. Ryan demanded the yeas and nays. The amendment was lost. Yeas 28 ; nays 50.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Corsbie, N. Davis, Edwards, Foscue, Hall, M. Hendricks, W. Holly, Hough, Humphreys, James, Kendrick, J. H. King, Murphy, Patton, Perryman, Rather, Rowe, Ryan, Simmons, Thorn, Turner, Walker, Williams, Wilson, Wright, Young—28.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Blevins, Boon, Brasher, Bridges, Cain, Camp, Cody, Coleman, Cooper, Coupland, Creagh, Crews, A. R. Davis, L. R. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hardwick, Hatcher, Heflin, W. Hendrix, Jones, Kennedy, M. A. King, Lea, Ligon, McCollum, McDonald, McMullen, Neal, Perkins, Pickett, Quinn, Reynolds, Skelton, E. L. Smith, Storrs, Swanson, Walker, Watts, Whatley, Wood—50.

Mr. Patton moved to amend the bill as follows :

“ In the second section insert third after second,” which was adopted.

Mr. Walker moved to amend as follows :

Provided, further, That said company shall have no power to do any act whereby the interest of the State of Alabama in said road shall be prejudiced or impaired, either by mortgage or otherwise, which was adopted.

Mr. Hall moved to amend the bill as follows :

Provided, No part of the funds mentioned in this act shall be

paid to said company until the road has been surveyed and cost estimated and the whole stock taken by responsible persons, except that reserved for the State, and these facts made evident to the satisfaction of the Governor.

On motion of

Mr. Adams, the amendment proposed by Mr. Hall was laid on the table; upon which question,

Mr. Hall demanded the yeas and nays. Yeas 48; nays 31.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Blevins, Boon, Brasher, Cain, Cooper, Critcher, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hough, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligou, McCollum, McDonald, Murphy, Perkins, Pickett, Quinn, Rather, Reynolds, Skelton, E. L. Smith, Storrs, Thorn, Walker, Watts, Whatley, Williams, Wright, Young—48.

Those who voted in the negative are, Messrs. Bridges, Chisolm, Cody, Coleman, Coupland, Crews, Corsbie, Edwards, Foscue, Gardner, Gonder, Hall, Heflin, A. Holly, W. Holly, Hudson, James, Kendrick, McMullen, McLeod, Neal, Patton, Perryman, Ryan, Simmons, Swanson, Turner, Watkins, Wilson, Wood—31.

Mr. Gunter moved to amend the bill as follows:

Provided that any rail road that may be constructed under the authority of the State of Alabama shall have the right to connect with said rail road.

Which was adopted.

Mr. L. R. Davis moved to amend the bill as follows:

And be it further enacted. That upon the completion of the Montgomery and West Point rail road to West Point the governor of this State is hereby authorised and instructed to receive from said company their stock at its par value in full payment and discharge of the bonds and obligations given by said company for so much of the two per cent. fund as said company received from the State by authority of certain acts for that purpose made and provided.

Mr. N. Davis moved the previous question and demanded the yeas and nays, and the call of the previous question was sustained and Mr. L. R. Davis' amendment cut off accordingly. Yeas 50; nays 38.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Blevins, Boon, Brasher, Cooper, Critcher, A. R. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Gunter, Hardwick, Hatcher, Wm. Hendrix, Hough, Hudson, Jemison, Jones, Kennedy, J. H. King, McCollum, McDonald, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Skelton, E. L. Smith, Stone, Storrs, Thorn, Walker, Watkins, Watts, Whatley, Wilson, Wright and Young—50.

Those who voted in the negative are, Messrs. Benbow, Bridges, Cain, Camp, Chisolm, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, L. R. Davis, N. Davis, Foscue, Gonder, Gardner, Hall, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, James, Kendrick, Lea, Ligon, McCall, McMullen, McLeod, Neal, Perryman, Rives, Ryan, Simmons, Swanson, Turner, Wilson and Wood—38.

And the bill was ordered to a third reading.

Mr. Storrs, (by leave,) from the select committee to whom was referred the bill to alter and amend the road law of this State, reported the same back.

Mr. Williams moved to amend the bill by engrossed ryder, which was read, and the House refused to order said ryder to a second reading.

Mr. Hall moved to amend the bill by engross ryder, as follows :

“Provided, it be done by or with the assent of all the hands or owners of hands, on the road.”

Mr. Kennedy moved to lay the bill and amendment upon the table, upon which question,

Mr. Simmons demanded the yeas and nays.

Mr. Creagh called for a division of the question, which was first taken on laying the amendment on the table and lost. Yeas 39; nays 40.

Those who voted in the affirmative are, Messrs. Brasher, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, Edwards, Foscue, Gates, Goodman, Gonder, Groce, Hatcher, M. Hendrix, J. H. King, McCall, McCollum, McDonald, McMullen, McLeod, Neal, Patton, Quinn, Reynolds, Skelton, Simmons, E. L. Smith, Stone, Storrs, Swanson, Thorn, Watkins, Watts, Whatley, Williams and Wright—39.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Benbow, Boon, Bridges, Cain, Coleman, Cody, Coupland, Corsbie, L. R. Davis, N. Davis, Franks, Gardner, Gazam, Goldsby, Gunter, Hall, Hardwick, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Jones, Kendrick, M. A. King, Lea, Ligon, Murphy, Perryman, Pickett, Ryan, Turner, Walker, Wilson and Wood—40.

Then on laying the bill upon the table and carried. Yeas 46 nays 29.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Boon, Cooper, Creagh, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Goldsby, Gonder, Groce, Hardwick, Heflin, M. Hendrix, A. Holly, W. Holly, Hough, Hudson, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, McCollum, McDonald, McMullen, McLeod, Murphy, Patton, Quinn, Reynolds, Ryan, Skelton, Stone, Swanson, Watts, Williams, Wood and Wright—46.

Those who voted in the negative are, Messrs. Ashley, Benbow, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Coleman, Coup-land, Crews, Critcher, Foscue, Goodman, Gunter, Hall, William Hendrix, Ligon, McCall, Neal, Perryman, Pickett, Simmons, E. L. Smith, Storrs, Turner, Walker, Watkins, Whatley and Wilson—29.

And then the House adjourned.

AFTERNOON SESSION, January 23, 1850.

The House met pursuant to adjournment.

The roll being called, the following Representatives answered to their names:

Messrs. Speaker, Adams, Aldridge, Baker, Bridges, Camp, Chisolm, Cody, N. Davis, Foscue, Gardner, Gates, Goodman, Hall, Heflin, W. Hendrix, W. Holly, Hough, Hudson, James, Kendrick, Kennedy, Lea, McMullen, Neal, Patton, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, Stone, Storrs, Swanson, Thorn, Watkins, Whatley, Wilson, Wood and Young—44.

On motion of

Mr. Gates, the House resolved itself into a committee of the whole, on the revenue bill, (Mr. Bridges in the chair,) and after some time spent in deliberation, the committee rose, reported progress, and through their chairman, asked and obtained leave to sit again to-morrow, at 10 o'clock, A. M.

And then the House adjourned.

THURSDAY, January 24th, 1850.

The House met pursuant to adjournment.

Mr. Wm. Hendrix introduced a bill for the relief of John B. Moore, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Neal moved to amend the bill by adding the name of James K. West, of Pickens county.

Mr. Franks moved to amend the bill by adding the name of Benjamin S. Rusk, of Jackson county.

Said amendment was adopted.

Pending the question on ordering the bill to the third reading, the hour of 10 o'clock having arrived, the House resolved itself into a committee of the whole, on the revenue bill, (Mr. Baker in the chair,) and after some time spent in deliberation, the committee rose, reported progress, and through their chairman, asked and obtained leave to sit again at 3 o'clock, P. M.

AFTERNOON SESSION, January 24th, 1850.

The House met pursuant to adjournment.

r. Cooper moved to postpone the further consideration of the

revenue bill, with a view of taking up the bill from the Senate appropriating the unappropriated half of the two per cent. fund, upon which question,

Mr. Cooper demanded the yeas and nays.

The motion was lost. Yeas 28 ; nays 49.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Blevins, Brasher, Cody, Cooper, A. R. Davis, Edwards, Gazzam, Goldsby, Groce, Hardwick, Hatcher, Jemison, Jones, Lockwood, McCollum, McDonald, Murphy, Neal, Pickett, Quinn, Reynolds, Skelton, R. H. Smith, Stone, Storrs, Watkins and Whatley—28.

Those who voted in the negative are, Messrs. Speaker, Ashley, Austin, Baker, Benbow, Boon, Camp, Chisolm, Coleman, Coupland, Crews, Corsbie, L. R. Davis, Franks, Gardner, Gates, Goodman, Hall, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hough, James, J. H. King, M. A. King, Lea, Ligon, McCall, McMullen, McLeod, Patton, Perryman, Rather, Reese, Rives, Rowe, Ryan, Simmons, Swanson, Thorn, Watts, Williams, Wilson, Wood, Wright and Young—19.

The House then resolved itself into a committee of the whole, on the revenue bill, (Mr. N. Davis in the chair,) and after some time spent in deliberation, the committee rose, reported progress, and through their chairman asked and obtained leave to sit again on to-morrow morning, at 10 o'clock.

NIGHT SESSION, January 24, 1850.

The House met pursuant to adjournment.

The engrossed bills :

For the relief of Frank Alstock :

To incorporate the Marengo plank or covered road company :

To amend an act entitled an act to incorporate the Girard rail road company, approved 21st January, 1846 :

For the relief of C. J. Gulley, late sheriff of Greene county, and his securities, were severally read the third time and passed.

The bills :

To repeal an act therein named :

To authorise the intendant of the council of the town of Selma to subscribe to the capital stock of the Alabama and Tennessee river rail road company :

For the relief of jurors in Baldwin county :

To declare the three mile creek, in the county of Mobile, a navigable stream, &c.

For the relief of Wm. Tarrance, O. P. King and Richard Harrison :

For the relief of John R. Hactly, administrator of Thomas McDaniel :

Were severally read the second time, and ordered to be engrossed for the third reading :

The bills :

To incorporate the Opelika and Girard plank road company :

To authorise John D. Barron and his associates to build a dam across the Tallapoosa river, in Randolph county, for manufacturing purposes :

Were severally read the second time and referred to the committee on internal improvements.

The bill requiring all elections heretofore held at Thomas Graddy's for the five mile beat in the county of Perry, hereafter to be held at Isaac Phariss', in said county, was read the second time and referred to the committee on privileges and elections.

The bill to authorise Adam Reger to sell the real estate of his wards, John, Thomas, James and Matilda McDonald, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

The bill to authorise Isaac Lyttleton to erect a gate and charge toll on his bridge across Yellow Leaf creek, was read the second time and ordered to be engrossed for a third reading :

The House concurred in the amendment of the Senate to the bill to change the time for holding the county court of Limestone :

Mr. Watts offered an amendment to the rule of the House, which lies over one day.

The bill from the Senate for the relief of Louisa Parish, was read the second time and ordered to the third reading.

The bills from the Senate :

For the benefit of Oliver C. Roberts, of Fayette county :

To compensate jurors serving on trials of the right of property in the county of Franklin :

Were severally read the second time, and the constitutional rule being suspended, were severally read the third time and passed.

The bill from the Senate to repeal in part an act to reduce and pay the expenses of the county of Shelby, was read the second time, and ordered to a third reading.

The bill from the Senate to incorporate the Auburn and Girard plank road company, was read the second time and referred to the committee on internal improvements.

The bill from the Senate to regulate the liability of public road working in the county of Franklin, was read the second time, and on motion of Mr. Watkins, was laid on the table.

The bills :

To incorporate the Odd Fellows' Hall Association, in the city of Mobile ;

To incorporate Andrew Chappell Academy, in the county of Russell :

To repeal in part a certain act therein named :

For the relief of Mary Livingston :

For the relief of Rebecca Smith :

For the relief of T. H. Perry :

Were severally read the second time and ordered to be engrossed for a third reading.

The bills :

To change the name of the Planters' Hotel Company, and for other purposes :

Explanatory to an act passed the 5th of December, 1849 :

To repeal an act approved the 25th February, 1848 :

For the relief of Stephen D. Ray :

To repeal an act incorporating the town of Greenville, in Butler county :

Amendatory of an act to alter and amend the charter of the town of Irwinton, now the town of Eufaula, in Barbour county, approved December 29th, 1849 :

For the relief of Calvin Nowlin, of Madison county :

For the relief of Holden Preslar :

Making Mrs. Elizabeth Little a free dealer :

Were severally read the second time, and the constitutional rule being suspended, were severally read the third time and passed.

The bill to authorise James Welch to sell the real estate of his ward, Martha D. Welch, was read the second time and referred to the committee on the judiciary.

The bill to authorise James M. Harris to charge ferriage in certain cases, was read the second time and referred to the committee on propositions and grievances.

The bills :

To abolish and establish an election precinct in Coffee county :

To abolish and establish an election precinct in Lauderdale county :

Were read the second time and referred to the committee on privileges and elections.

The bill to incorporate the Benton and Hayneville plank road company, was read the second time and referred to the committee on internal improvements.

And the House adjourned.

FRIDAY, January 25th, 1850.

The House met pursuant to adjournment.

The question recurred on ordering to a third reading the bill for the relief of John B. Moore, of Perry county.

Mr. Groce moved to amend the bill by adding John W. Jones, of Talladega county, which was adopted, and bill ordered to be engrossed for the third reading.

Mr. Crews introduced a bill in relation to religious societies, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to a select committee, to be composed of one from each judicial circuit.

Bills were introduced by :

Mr. Bridges, to amend an act passed 25th January, 1845, for the relief of Elizabeth Waldron, of Wilcox county :

Mr. Gardner, to incorporate the Alabama Conference of the Methodist Episcopal Church South :

Mr. Chisolm, requiring accounts against the sixteenth section fund to be certified on oath :

Mr. Blevins, to prevent the sale of spirituous liquors to slaves :

Mr. Walker, to distribute equally the three per cent. fund :

Mr. Ligon, regulating the commissioners' court for the county of Macon :

Mr. Ligon, to incorporate the Tuskegee Fire Defiance company :

Mr. Watts, for the relief of the executors of Samuel C. Oliver, of Montgomery county :

Mr. Watts, to amend the charter of the Montgomery and Wetumpka plank road company.

Said bills were severally read and ordered to a second reading.

Mr. R. H. Smith introduced a bill to entitle James G. Robison to sell certain real estate, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on the judiciary.

Mr. J. H. King introduced a bill for the relief of Richard W. East, late tax collector of Talladega county, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on propositions and grievances.

Mr. Storrs introduced a bill to amend the road law of this State in the counties of Shelby, Marengo, Pike, Marion, Franklin and Pickens, which was read, and the constitutional rule being suspended, was read the second time forthwith and ordered to be engrossed for the third reading.

Mr. McGuire introduced a bill to authorise justices of the peace in the city of Tuskaloosa to hold their monthly courts at their respective offices separately, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Watkins introduced a bill to divorce the persons therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Quinn introduced a bill to incorporate the Centreville plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

Mr. Hill introduced a bill to incorporate the Livingston and Tombigby plank road company, which was read, and the constitutional rule being suspended, was read the second time forthwith and referred to the committee on internal improvements.

The bill authorising the quarter master general to distribute cavalry arms, was taken from the orders and read a second time and referred to the committee on the military.

Accounts were presented by :

Mr. Watts, of John Powell and T. B. Holt :

Mr. Wood, of Thomas DeWolf and J. F. Grant :

Mr. Cooper, of Lewis Cunningham :

Mr. Ligon, of T. V. Rutherford :

Which were severally referred to the committee on accounts.

Mr. Watkins presented the petitions of sundry citizens of Franklin county, which were referred to the committee on internal improvements.

Mr. McMullen presented the petition of sundry citizens of Butler county, which was referred to the committee on propositions and grievances.

The joint resolutions for the relief of Richard G. Davis were read the second time and referred to the committee on the State bank and branches.

Reports :

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of Benjamin Lancaster, reported a bill for the relief of Benjamin Lancaster, of Sumter county, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. M. A. King, from the same committee, to whom was referred the petition of E. A. Francis and others, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the accounts of Murphy Douglass and A. Poor, reported a bill for the relief of certain persons therein named, which was read and ordered to a second reading.

Mr. Baker, from the committee on divorce and alimony, to whom was referred the bill to declare a certain person therein named a feme sole, reported the same back with amendments. The amendments were concurred in and the bill ordered to be engrossed for the third reading.

Mr. Baker, from the same committee, to whom was referred

sundry records of divorce, reported a bill divorcing certain persons therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Baker, from the same committee, to whom was referred the bill to make drunkenness a ground of divorce, reported adversely thereto.

Mr. Pickett moved to lay the report upon the table, which motion was carried.

Mr. Jones moved to lay the bill upon the table; upon which question,

Mr. Whatley demanded the yeas and nays, and said motion prevailed. Yeas 72; nays 19.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gardner, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Humphreys, Irby, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Murphy, Perkins, Perryman, Quinn, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Storrs, Swanson, Thorn, Walker, Watts, Whatley, Williams, Wilson, Wood, Wright—72.

Those who voted in the negative are, Messrs. Speaker, Ashley, Bridges, Cooper, L. R. Davis, Foscue, Gates, Gazzam, Goodman, James, Jemison, Neal, Patton, Pickett, Rather, R. H. Smith, Stone and Watkins—19.

Mr. Aldridge, from the committee on accounts, to whom were referred sundry accounts, reported a bill making appropriations for the payment of certain claims against the State, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Aldridge, from the same committee, reported that the accounts of B. S. Pope and Caldwell Sublett are not State charges; and the account of Thomas De Wolf is not properly made out.

The report was not concurred in.

Mr. Blevins, from the committee on corporations, to whom were referred the bills:

To incorporate the town of New Market, in the county of Madison:

To incorporate the Riddle manufacturing company, in the the county of Talladega:

To incorporate the Lafayette manufacturing company:

To incorporate the North Alabama manufacturing company:

Reported the same back, and the constitutional rule being

suspended, said bills were severally read the third time forthwith, and passed.

Mr. Blevins, from the same committee, to whom was referred the bill to incorporate the Barbour county insurance company, reported the same back with an amendment, which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Blevins, from the same committee, to whom was referred the bill to incorporate the Oak Bowery female college, under the direction and control of the Alabama Conference of the Methodist Episcopal Church South, reported the same back with an amendment, striking out the fourth section of the bill.

Mr. Kennedy demanded the yeas and nays on concurring in said amendment.

The amendment was concurred in. Yeas 42; nays 41.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Barrow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Cody, Coupland, Critcher, N. Davis, Fescue, Franks, Goldsby, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, Jones, McCollum, McMullen, Neal, Perryman, Quinn, Reynolds, Rowe, Simmons, Storrs, Thorn, Turner, Whatley, Wilson and Wood—42.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Benbow, Cooper, Creagh, Crews, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Gonder, Gunter, Hough, Humphreys, Irby, Jones, Jemison, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McLeod, Patton, Pickett, Rather, Ryan, Skelton, E. L. Smith, Swanson, Walker, Watkins, Watts, Williams and Wright—41.

Mr. Blevins, from the same committee, to whom was referred the bill to authorise the free white citizens of Alabama, and such others as they may associate with them, to prosecute the business of manufacturing with corporate powers and privileges, reported the same back.

On motion of

Mr. Blevins, the report and bill were laid upon the table.

The question recurred upon ordering to a third reading the bill to alter and amend the law in relation to keeping State prisoners.

Mr. Wilson moved to lay the bill on the table; upon which,

Mr. M. Hendricks demanded the yeas and nays, and the bill was laid on the table. Yeas 72; nays 9.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Brasher, Cain, Camp, Coleman, Cody, Cooper, Coupland, Crews, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Gazzam, Goldsby, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly,

Hough, Hudson, Irby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McMullen, McLeod, Neal, Patton, Perryman, Quinn, Rather, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Williams, Wilson, Wood and Wright—72.

Those who voted in the negative are, Messrs. Boon, Bridges, N. Davis, Foscue, Gates, Ligon, McCall, Pickett and Ryan—9.

The question recurred upon ordering to a second reading the bill for the relief of Julius A. Martinere. The bill was so ordered.

Mr. Wilson, from the committee on the military, to whom was referred the bill to incorporate the Marshall Cavaliers, reported the same back, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. Wilson, from the same committee, to whom were referred the bills :

To regulate attendance upon regimental and battalion musters in Marion county :

For the relief of the Wilcox Guards :

Reported adversely thereto. The reports were severally concurred in.

Mr. Benbow, from the committee on roads, bridges and ferries, to whom was referred the bill to authorise Wm. B. Drake to establish a ferry across the Warrior river in Greene county, reported adversely thereto.

On motion of

Mr. Gates, the report was laid on the table, and the bill ordered to be engrossed for a third reading.

Mr. Benbow, from the same committee, to whom was referred a bill to authorise J. M. N. B. Nix to erect gates on a public road. Said bill was read and ordered to a second reading.

Mr. Benbow, from the same committee, to whom was referred the bill to repeal in part a certain act therein named, reported adversely thereto.

Mr. Humphreys moved to lay the report on the table, which motion was lost.

And then the House adjourned.

AFTERNOON SESSION, January 25th, 1850.

The House met pursuant to adjournment.

The bill to attach a part of the county of Fayette to the county of Walker, and to create a certain county therein named, was read a second time and referred to the committee on county boundaries.

The question recurred on the adverse report of the committee

on roads, bridges and ferries, on the bill to repeal a certain act therein named.

Mr. Wilson moved to lay the bill on the table, which motion was lost, and the report was concurred in.

Mr. Speaker (Mr. N. Davis in the chair.) introduced a bill to provide for the election of delegates to a convention of the Southern States, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to a select committee to be composed of one from each judicial circuit, with instructions to report the same back to the House on Wednesday next, at 10 o'clock, A. M.

Mr. Jemison, from the committee on banks and banking, to whom was referred such portions of the message of the late and present Executive, as relate to the establishment of banks and a paper currency, and also sundry bills to incorporate stock banks, and others to establish a system of free banking, and other propositions connected with a paper currency, reported as the result of their investigation and conclusions, in relation to the important matters committed to them, the three accompanying bills:

One to incorporate a stock bank to be styled "The Southern Bank of Alabama," one for the adoption of a system of free banking, which, under certain regulations and restrictions as therein provided, will at any time and in any place authorise every citizen of the State, either individually or associated with others, to engage in the business of banking, and the third repeals the act to restrain the lending and circulating in this State of the notes of foreign corporations.

In the bill to incorporate "The Southern Bank of Alabama," the place of location is left blank. A majority of the committee, however, instructed me to recommend its location at the city of Mobile, which being our only seaport, must be the emporium of the State, and as it is the point from, or port which must of necessity be shipped at least five-sixths of the cotton and other marketable products of the State, that are shipped to markets beyond its limits, and through which must also be received a like proportion of the merchandise and other imports from foreign ports, comprising almost the entire imports and exports to and from South Alabama, and a portion of North Alabama. These facts show Mobile to be the commercial centre of the State, connecting with it in commercial relations and pecuniary interests, almost every portion of the State, thus pointing it out as the location in which the people at large have the greatest common interest, and from which the benefits of a well regulated banking circulation would be most eminently and generally felt.

That the price of our great staple has, for want of the neces-

sary banking facilities at this point, frequently fluctuated and languished, has been the standing complaint for years, the truth of which cannot have escaped any observing mind familiar with the business operations of the place. The want of those commercial aids and facilities in the form of bank capital, and wholesome banking competition, enjoyed by other commercial cities, has not only, in many instances driven the cotton buyer from the Mobile market to the neighboring city of New Orleans, where he found no want of the usual and necessary facilities to enable him to fill his orders, but has actually gotten up and is encouraging a direct trade with the latter city. Of the existence and growth of this direct trade, by which a large and increasing amount of cotton grown within the State, passes the wharf of our emporium, to build up and enrich the emporium of a neighboring State, we have unmistakable and undeniable evidences in the packets that leave the wharves of this city semi-weekly. Not only State pride but State policy demand that this should not be. That this unnatural state of trade has been induced by the mistaken policy of past legislation founded on the popular prejudice against a paper currency, causing the Legislature to withhold from her only seaport that fostering and protecting care, to which it was entitled, must be manifest to every enlightened and unprejudiced mind. Of the fallacy of this policy, the people have been cured and convinced by dear bought experience. Your committee are confident that public sentiment decidedly and emphatically demands of the present General Assembly, the commencement of a judicious and properly regulated system of banking. The great body of the people are at length fully convinced of the importance of such a policy to the success of all the great and leading interests of the State. It is as necessary to the profitable prosecution of the planting and farming operations of the county, as to a proper encouragement of the dawning spirit of manufacturing, or the full development of our own immense mineral resources. The diversified products of all these various branches of the State industry and enterprise find their way to Mobile in search of a market, and are there either sold for the consumption of our citizens or exported to other markets. The foregoing facts, which we presume will not be denied by any, are conclusive to the minds of the majority of the committee, that Mobile has the first and highest claims for the location of the bank provided for in the bill reported.

In thus urging the paramount claims of Mobile; your committee intend no disparagement to the claims of other cities and towns: there are several of them whose commercial importance entitle them to like facilities, but which, except in the way of general banking privileges given in the bill reported establishing a system of free banking, cannot be extended to them under the

constitution at the present session of the legislature. If the bill to authorise and regulate the business of banking should not prove adequate to this end, these cities and towns will, in turn, agreeable to their commercial importance and other claims, be entitled to stock banks as rapidly as it shall be in the power of the legislature, under the salutary and conservative restriction of the constitution, to grant charters therefor.

The system of free banks is rather of modern origin, but has in some of the States proved eminently successful. Whether it will be found suited to the wants and circumstances of our own State, is as yet a matter for experiment. If the capitalist can find sufficient profit to induce him to engage in the business as regulated and restricted by the bill proposed, your committee hesitate not in saying that it commends itself as giving a security and protection to the billholder and community generally beyond that of any other banking system yet known; and they therefore recommend, in addition to the incorporation of a stock bank the passage of the "bill to authorise and regulate the business of banking."

Amongst other bills referred to your committee was one "to regulate the circulation of foreign bank notes."

The bill, if it does not directly authorise and encourage the introduction of branches, or offices of discount and deposit into the State, effects indirectly the same thing in substance, and is consequently, if not contrary to the spirit of our constitution, contrary to every principle of sound policy, and therefore deem it inexpedient to pass the same.

In connection with this subject of the circulation of bank bills within the State, was also referred to us another bill to repeal an act published in Clay's Digest, page 133, under the title of "banking privileges and foreign bank bills." The penalties and restrictions imposed by the act proposed to be repealed, without lessening the evil it sought to correct in promoting the introduction and circulation of the notes and bills of foreign corporations, has increased the cost of such notes and bills to our citizens, as well by the expense of obtaining them as in the higher rates of interest or discount charged for them.

The inability on the part of the banks incorporated under the laws of our State, to furnish a sufficient circulation to meet the pressing wants and necessities of the people, induce the public to wink and excuse, and even to justify the constant and open violation of the law. Instead of protecting the citizens of the State against the evils of a circulation of foreign bank paper, its tendency has been to subject them to the cupidity and rapacity of the more unscrupulous of these corporations. For the want of a currency of our own, the people have been forced to become the

unwilling victims of these foreign money changers, who then in the face of the law carry on their operations in our very midst. The very necessities of our citizens have induced an acquiescence in even a justification of these violations of law. When public necessity or public sentiment shall, for years, sanction such violations of the enactments of the legislature, it affords, in the opinion of your committee, the strongest argument against such enactments, and calls aloud for their repeal.

Another effect of the law sought to be repealed, has been to deprive the State of revenue upon all loans or discounts made by means of these foreign bank notes; in evidence of which fact, we need only refer to the tax returns of this city, where the circulation is almost exclusively of this kind of currency. These returns show in the year 1849, but sixty thousand dollars, (\$60,000 00,) on which the State receives tax from three of the heaviest money brokers of the city. The aggregate discounts of these establishments are believed sometimes in a single day to have been more than double this sum, computing only such transactions as have been predicated exclusively on the bank notes of neighboring States.

Your committee would, therefore, recommend the repeal of the law referred to, and in lieu of the original bill, have directed me to report the accompanying substitute, and recommend its passage, and also to suggest the propriety of such modifications of our law as will embrace the operations upon this foreign bank paper, by which means our revenue will be greatly increased, and the interest of the State otherwise promoted.

All original bills, resolutions, &c. referred to your committee, are herewith returned, without particular mention of our action on them severally, as all are covered by the three bills reported.

Mr. Watts moved to lay the report upon the table, which was carried, and print one hundred and thirty-three copies, which motion was lost.

The bill above referred to, to incorporate the southern bank of Alabama, was read, and the constitutional rule being suspended, was read the second time forthwith.

On motion of

Mr. Hill, the bill was laid on the table, and one hundred and thirty-three copies ordered to be printed

The bill above referred to, to authorise and regulate the business of banking, was read, and the constitutional rule being suspended, was read a second time forthwith.

On motion of

Mr. Pickett, the bill was laid upon the table, and one hundred and thirty-three copies ordered to be printed.

The bill above referred to, to repeal an act published in Clay's

Digest, page 133, under the title of banking privileges and foreign bank bills, and also to repeal an act approved March 4th, 1848, entitled an act to prohibit foreign corporations from exercising banking privileges in the State of Alabama, and for other purposes, was read, and the constitutional rule being suspended, was read a second time forthwith, and postponed until 10 o'clock, A. M., Monday the 28th instant, and made the special order for that hour.

Mr. James, from the committee on federal relations, to whom was referred so much of Governor Chapman's message as relates to the discontinuance of the surveyor general's office in this State, reported a bill providing for the removal of the field notes, &c., in the possession of the surveyor general, to the seat of government, and for other purposes, which was read and ordered to a second reading.

Mr. Hall, from the same committee, to whom were referred joint resolutions to authorise the sale of certain property therein named, reported a substitute therefor, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Hall, from the same committee, reported a bill to continue the agency of R. T. Scott for the collections against the United States. Said bill was read and ordered to a second reading.

Mr. R. H. Smith, from the committee on the judiciary, to whom was referred the bill providing for bail, and for process of ca. sa. and for the repeal of existing laws relative to the same, reported the same back with an amendment, which was concurred in.

Pending the question on ordering the bill to a third reading,
The House adjourned.

NIGHT SESSION, January 25, 1850.

The House met pursuant to adjournment.

The engrossed bills :

To authorise Isaac Lyttleton to erect a gate and charge toll on his bridge across Yellow Leaf creek :

To declare the Three Mile creek, in the county of Mobile, a navigable stream :

To repeal an act therein named :

For the relief of William Tarrence, O. P. King and Richard Harrison :

For the relief of jurors in Baldwin county :

For the relief of Rebecca Smith :

For the relief of Mary Livingston :

For the relief of John R. Hoitty, administrator of Thomas McDaniel :

For the relief of T. H. Perry :

To authorise the intendant of the council of the town of Selma to subscribe to the capital stock of the Alabama and Tennessee river rail road company :

To incorporate Andrew Chappell academy, in the county of Russell :

To incorporate the Odd Fellows' Hall association, in the city of Mobile :

To incorporate the Benton and Greenville plank road company :
Were severally read a third time and passed.

The Senate bills :

To repeal in part an act entitled an act to reduce and pay the expenses of the county of Shelby :

For the relief of Louisa Parish :

Were taken from the orders and severally read a third time and passed.

The bill from the Senate to incorporate the Autauga manufacturing company, was taken from the orders and read a second time and ordered to a third reading.

The bill from the Senate to incorporate the Tallapoosa and Coosa rail road company, was taken from the orders and read a second time and referred to the committee on internal improvements.

The bill to incorporate the Talladega Baptist church, in Talladega county, was read a second time, and the constitutional rule being suspended, was read a third time forthwith.

Mr. Wilson demanded the yeas and nays on ordering the bill to a third reading, and the bill was so ordered. Yeas 47 ; nays 14.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Austin, Baker, Benbow, Blevins, Brasher, Bridges, Cain, Camp, Chisolm, Cooper, Coupland, A. R. Davis, N. Davis, Gardner, Gates, Goldsby, Groce, Hall, Hardwick, Hatcher, M. Hendricks, Irby, James, Kennedy, J. H. King, Ligon, McCall, McGuire, McLeod, Murphy, Patton, Perryman, Quinn, Reynolds, Ryan, E. L. Smith, R. H. Smith, Storrs, Simmons, Walker, Whatley, Williams, Wright and Young—47.

Those who voted in the negative are, Messrs. Aldridge, Barrow, Boon, Cody, Foscue, Heflin, A. Holly, W. Holly, Lea, Pickett, Rowe, Simmons, Thorn and Wilson—14.

The bills from the Senate :

To declare the three mile creek in the county of Mobile a navigable stream, and for other purposes.

To incorporate the Cahawba river mining and transportation company, were severally read a second time, and the constitutional rule being suspended, were severally read a third time forthwith and passed.

The bill from the Senate to incorporate the Sydenham Medi-

cal Society of Montgomery, was read a second time and ordered to a third reading.

The bills from the Senate :

To authorise the judges and commissioners of roads and revenues of Washington county to district said county, and for other purposes :

To amend and explain the charter of the Eufaula and Mobile rail road company, were severally read and ordered to a second reading.

The bill from the Senate to incorporate the Montgomery and Tuskaloosa plank road company, was read, and the constitutional rule being suspended, was read a second time forthwith, and referred to the committee on internal improvements.

The bills from the Senate :

To change the time of holding the county courts in the counties of Marion and Fayette :

To change the name of a person therein named :

To amend an act entitled an act to incorporate the Montgomery mining and transportation company :

To increase the pay of jurors in the county of Barbour :

To incorporate the Central plank road company :

To incorporate the town of New Market, in the county of Madison :

To authorise Richard H. Adams to erect a gate across a road therein named :

To change the name of Wiley and Martha Turner, in Choctaw county :

To declare the Buttahatchy river a public highway :

Were severally read, and the constitutional rule being suspended, were severally read a second and third time forthwith, and passed.

The joint resolutions from the Senate for the benefit of the Cahawba Academy, were read a second time.

Mr. M. A. King moved to amend as follows :

And be it further enacted, That the provisions of this act be extended to all the male academies in this State :

Mr. Rowe moved to lay the bill and amendment on the table, which motion was lost, and the amendment was adopted :

On motion of

Mr. Irby, the bill as amended was laid on the table.

The bills :

To change the time of holding the winter term of the county court of the county of Conecuh :

To incorporate the Barbour Female College, to be located in Eufaula :

To amend the road law in Coosa county :

To change the name of Didema Horton to that of Didema Buckner :

To repeal an act entitled an act to incorporate the Enon male and female academies in the county of Macon, approved 17th January, 1844, and to substitute in lieu thereof the following, to-wit :

To incorporate the female high school in Mobile :

For the relief of John Talbot, et al. :

To amend an act establishing a board of physicians for the town of Talladega :

Constituting James Graham and Felix Hubbard, liners, &c.

To appoint a commissioner to execute titles to lots sold in the town of Dadeville :

To locate permanently the county site of Washington county :

For the relief of William E. Shaver, a pauper of Montgomery county :

To authorise sheriff sales at Memphis, in Pickens county :

To prevent the *evil* and *pernicious* practice of *camp hunting*, so far as relates to the county of Butler :

To incorporate the south-eastern plank road company :

Were severally read a second time, and the constitutional rule being suspended, were severally read a third time and passed.

The bill to incorporate the Dale Dragoons, was read a second time and referred to the committee on the military :

The bill to establish an election precinct in Greene county, was read a second time, and referred to the committee on privileges and elections.

The bills :

To establish an election precinct therein named :

To establish an election precinct, and for other purposes, in the county of Dale :

Were severally read a second time and referred to the committee on privileges and elections :

The bill for the relief of Francis M. Barnett, of Montgomery county, was read a second time and ordered to be engrossed for a third reading.

And then the House adjourned.

SATURDAY January 26, 1850.

The House met pursuant to adjournment.

The bill from the Senate for the relief of James F. Bludworth, tax collector of Dale county for 1846, was read a second time, and referred to the committee on propositions and grievances.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has originated and passed a bill to

increase the pay of jurors in the county of Barbour ; and a joint memorial to the Congress of the United States for the sale of the Cedar Reserve, in Clarke county.

The Senate has adopted the following resolution :

Resolved, That, with the concurrence of the House of Representatives, the two houses will meet in the hall of the House on Saturday, the 26th inst., at 12 o'clock, M., for the purpose of electing a judge of the 8th judicial circuit.

The resolution was concurred in, and the joint memorial adopted.

Mr. Patton, from the select committee to whom was referred the bill from the Senate to prevent the commissioners' court for the county of Lauderdale from levying a higher tax than fifty per cent. on the State tax, reported the same back with amendments.

The amendments were concurred in, and the bill read a third time and passed.

The question recurred on ordering to a third reading the bill providing for bail and process of *ca. sa.*, and for the repeal of existing laws in relation to the same, reported on yesterday by Mr. R. H. Smith.

Mr. Cooper moved to amend the bill by way of proviso, as follows :

Provided, That the debt, for the recovery of which such *ca. sa.* or bail process issue, shall have been contracted in this State : *And provided, further*, If the debt shall not have been contracted within the limits of this State, then before such *ca. sa.* or bail process shall issue, the plaintiff, his agent or attorney, shall, in addition to the oath already required, swear to one of the alternative grounds, as provided in the third section of this act.

On motion of

Mr. N. Davis, said amendment was laid on the table.

Mr. Cooper moved to amend the bill by an additional section, as follows :

And be it further enacted, That before any process requiring bail or any writ, suit of *ca. sa.*, shall issue, the plaintiff, his agent or attorney, shall enter into bond with approved security, payable to defendant, in a sum equal to double the amount of the debt sued for, conditioned for the payment of all such costs and damages as the said defendant may sustain by reason of the annoyfully or vexatiously suing out of such bail process or writ of *ca. sa.* ; and the said plaintiff and his securities shall be liable on such bond for all damages which may be sustained by the defendant as aforesaid, should said damages not exceed the amount of the penalty in said bond.

Mr. N. Davis moved the previous question.

Mr. Cooper moved to lay the bill on the table.

Mr. Humphreys moved to postpone the further consideration of the bill until Thursday next, and make it the special order for 10, A. M., on said day, and that one hundred and thirty-three copies thereof be printed, which motion was lost.

The question recurred on the motion of Mr. Cooper to lay the bill on the table, which motion prevailed. Yeas 42 ; nays 39.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Brasher, Cain, Camp, Cody, Cooper, Coupland, Crews, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Goldsby, Gunter, Hall, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Humphreys, M. A. King, Lea, McCollum, McMullen, McLeod, Murphy, Perryman, Quinn, Skelton, Thorn, Turner, Walker, Wilson and Wright—42.

Those who voted in the negative are, Messrs. Speaker, Baker, Blevins, Bridges, Creagh, N. Davis, Foscue, Gardner, Gates, Gazzam, Goodman, Groce, Hardwick, Heflin, Hudson, James, Jones, Kennedy, J. H. King, Ligon, Lockwood, McCall, McDonald, McGuire, Patton, Pickett, Rather, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Watkins, Watts, Williams, Whatley and Young—39.

Mr. Gardner, from the select committee to whom was referred the resolution of inquiry into the expediency of calling a convention to revise the constitution of this State, reported joint resolutions proposing to the people the question of calling a convention to revise the constitution, which were read twice.

Mr. Wilson moved to lay the joint resolutions upon the table ; upon which question,

Mr. Rather demanded the yeas and nays, and the motion was lost. Yeas 23 ; nays 60.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Austin, Brasher, Coupland, Creagh, Corsbie, A. R. Davis, Edwards, Franks, Gates, Hardwick, M. Hendricks, Lea, McGuire, Murphy, Neal, Perkins, Perryman, Skelton, Stone, Whatley and Wilson—23.

Those who voted in the negative are, Messrs. Speaker, Baker, Barrow, Benbow, Boon, Bridges, Cain, Camp, Chisolm, Cody, Cooper, Crews, L. R. Davis, N. Davis, Foscue, Gardner, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Jones, Kennedy, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Patton, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Williams, Wright and Young—60.

And the constitutional rule being suspended, the joint resolutions were read the third time forthwith, and passed.

The hour of 12, M. having arrived, the Senate, by invitation, appeared within the hall of the House, and the two houses in convention proceeded to the election of a judge for the 8th judicial circuit, George Goldthwaite alone being in nomination.

Mr. Rowe voted for Mr. Watts.

Mr. Ryan voted for Mr. Gardner.

The Senators and remaining Representatives voted for Mr. Goldthwaite.

Mr. Goldthwaite having received a majority of the whole number of votes given, was declared by Mr. Speaker to have been duly and constitutionally elected judge of the circuit court for the eighth judicial circuit, for the time prescribed by the constitution.

The Senate then withdrew, and the House resumed the consideration of its appropriate business.

Mr. Patton, from the select committee to whom was referred the bill to amend an act to incorporate the Florence bridge company, reported the same back.

Mr. N. Davis moved to amend the bill by an additional section, viz :

SEC. —. *And be it further enacted*, That said company shall be required to keep one-half of the amount of their issues in gold or silver, constantly on hand, for the purpose of redeeming their issue; and upon failure to do so, the rights and privileges hereby conferred shall cease and be void.

Mr. Ryan moved to lay the bill on the table, upon which question

Mr. Patton demanded the yeas and nays, and the motion was lost. Yeas 23; nays 53.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Camp, Cody, Coupland, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gonder, Hall, Heflin, W. Hendrix, Humphreys, James, Perryman, Rowe, Ryan, Skelton, Swanson, Turner and Wilson—23.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Chisolm, Cooper, Crews, Corsbie, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Groce, Gunter, Hardwick, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Jemison, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCollum, McDaniel, McGuire, McMullen, McLeod, Murphy, Patton, Pickett, Rather, Reynolds, Rives, E. L. Smith, Stone, Storrs, Walker, Watkins, Watts, Williams and Wright—53.

The question recurred on the adoption of Mr. N. Davis' amendment.

Mr. Ligon moved to lay said amendment on the table, upon which question

Mr. Ryan demanded the yeas and nays, and the motion was lost. Yeas 34; nays 45.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Baker, Cain, Chisolm, Cooper, L. R. Davis, Gardner, Goodman, Groce, Gunter, Hardwick, Heflin, Humphreys, Hudson, Jones, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCollum, McGuire, Murphy, Patton, Pickett, Rather, Reynolds, Skelton, E. L. Smith, Storrs, Walker, Watkins and Watts—34.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Camp, Cody, Coupland, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gazzam, Gonder, Hall, M. Hendricks, Wm. Hendrix, A. Holly, W. Holly, Humphreys, Irby, James, Jemison, M. A. King, McCall, McDonald, McMullen, McLeod, Neal, Perryman, Quinn, Rowe, Stone, Swanson, Thorn, Turner, Williams, Wilson and Wright—45.

Mr. Jemison moved to amend the amendment by striking out one-half and inserting one-tenth, which motion prevailed, and the amendment as amended was lost.

Mr. Watkins moved to amend the bill as follows:

SEC. 7. *And be it further enacted*, That said company shall not be authorised to issue at any time or to have in circulation at any time an amount of said notes greater than is specified in this act; and for any violation of this section, said company shall be liable to an amount at least double such over issues, to be recovered by any person or persons who may sue for the same in any court of this State having competent jurisdiction, to be levied upon the estate of the stockholders of said company or any one or more of them.

SEC. 8. That the books of said company shall at all times be open to public inspection; and in all suits brought against said company for the issuance of or keeping in circulation a greater amount of notes than is authorised by this act, the person or persons bringing said suit may require said company to produce said books in open court, and it shall be competent for the person bringing said suit to offer said books in evidence on the trial, and the same shall be so taken as evidence.

SEC. 9. That should said company fail or refuse to produce said books on any such trial when it shall be notified to do so, it shall be liable to a fine equal to the amount sued for, which shall be adjudged against said corporation on motion of any person who shall bring the first named suit: *Provided*, That said company shall in all cases have at least ten days' previous notice in writing to produce said books.

Said amendment was adopted.

Pending the question on ordering the bill to a third reading,
The House adjourned.

AFTERNOON SESSION, January 26, 1850.

The House met pursuant to adjournment and resumed the consideration of the bill to amend an act to incorporate the Florence bridge company.

Mr. Watts moved to amend the bill as follows :

“ Provided that nothing herein contained shall exempt the said company from the payment of taxes assessed under the revenue laws of this State, against incorporate companies,” which was adopted.

Mr. Frazier moved to amend the bill as follows :

Be it further enacted, That the provisions of this act shall extend to all the bridge companies in this State, whenever they shall comply substantially with the same conditions that are required of the company named in this act.

On motion of

Mr. Groce, said amendment was laid upon the table.

On ordering the bill to a third reading, Mr. J. H. King demanded the yeas and nays, and the House refused to order the bill to a third reading. Yeas 34 ; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Benbow, Cain, Coleman, Cooper, Critcher, Corshie, L. R. Davis, Gardner, Goodman, Groce, Gunter, Hatcher, W. Hendrix, W. Holly, Hough, Jemson, Kennedy, J. H. King, Lea, Mc all, McCollum, McGuire, Murphy, Patton, Perkins, Pickett, Storrs, Thorn, Watkins and Watts—34.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Boon, Brasher, Bridges, Camp, Chisolm, Cody, Conpland, Crews, N. Davis, Edwards, Foscoe, Franks, Gates, Goldsby, Gonder, Heflin, Hill, A. Holly, Hudson, Humphreys, Irby, James, M. A. King, McDonald, McMullen, McLeod, Neal, Perryman, Quinn, Rather, Rowe, Ryan, Skelton, Stone, Swauson, Turner, Walker, Wilson and Wright—42.

And the House adjourned.

MONDAY, January 28th, 1850.

The House met pursuant to adjournment.

Mr. Baker, from the committee on divorce and alimony, to whom was referred the bill to divorce Lorenzo D. Deen from his wife, Martha Deen, reported the same back, which was read, and the constitutional rule being suspended, was read the second and third times and passed.

Mr. Crews, from the select committee, to whom was referred the bill in relation to religious societies, reported a substitute

therefor, which was adopted, and the constitutional rule being suspended, the bill was read a third time and passed.

Mr. Patton, from the select committee to whom was referred the joint resolutions from the Senate, to compensate Jefferson F. Jackson, the agent appointed to restate and settle the claim of this State against the United States, on account of the five per cent. fund, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the resolution was read the third time forthwith and passed.

Mr. Neal, from the select committee to whom was referred the bill to incorporate the Pickens Guards, reported the same back with amendments. The amendments were concurred in, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Pickett, from the select committee to whom was referred the bill to alter the districts and change the times for holding the chancery courts, and increase the number of times in the northern chancery division, reported the same back.

Mr. Watkins moved to amend the bill by striking out Florence and inserting Tuscumbia, which was lost.

Mr. Cooper moved to amend the bill by striking out the thirty-first district, which motion prevailed.

Mr. Rather moved to amend the bill by striking out the county of Morgan, which motion prevailed.

Mr. Wilson moved to strike out twenty-ninth district, which motion was carried.

Mr. Thorn moved to strike out the county of Franklin, which motion prevailed.

Mr. M. A. King moved to lay the bill upon the table, which motion was lost.

Mr. Aldridge moved to strike out the county of Blount, which motion prevailed.

Mr. Murphy moved to strike out the county of DeKalb, which motion was carried.

Mr. Heflin moved to strike out Randolph, which motion prevailed.

Mr. Goodman moved to amend the bill by substitute, as follows :

Be it further enacted, That it shall be the duty of each and every chancellor in this State, to so alter the districts of their respective divisions, as to reduce the number of the districts at least one-half, by putting two or more counties together, and holding the court at such places in each district as they shall think the public interest and convenience may require; and said chancellor shall be required to hold two terms a year.

Mr. Cooper moved to lay the substitute proposed by Mr. Goodman upon the table, which motion was lost.

Pending the question on the adoption of the substitute, the House proceeded to the consideration of the general orders of the day.

The engrossed bill to abolish the allowance of tare or gross weight on bales of unmanufactured cotton was read a third time and passed.

The engrossed bill for the relief of H. L. Stephenson, was read a third time.

Mr. Heflin demanded the yeas and nays on the passage of the bill, and the House refused to pass the bill. Yeas 30; nays 53.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Boon, Cain, Coleman, Cody, Cooper, Critcher, Corsbie, A. R. Davis, Goldsby, Hardwick, M. A. King, Lea, McCollum, McCall, McGuire, Murphy, Perkins, Quinn, Rather, Rowe, Skelton, Simmons, Thorn, Watkins, Watts and Wood—30.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Blevins, Brasher, Bridges, Camp, Chisolm, Creagh, Coupland, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Goodman, Groce, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Irby, Jones, Kennedy, J. H. King, Ligon, McDonald, McMullen, Neal, Patton, Perryman, Reese, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Walker, Whatley, Williams, Wilson, Wright and Young—53.

The bill from the Senate to appropriate the unappropriated half of the two per cent. fund, was read a third time.

Mr. Foscue demanded the yeas and nays on the passage of the bill, and the bill passed. Yeas 52; nays 34.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Blevins, Boon, Brasher, Cooper, Creagh, Critcher, A. R. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Hardwick, Hatcher, M. Hendricks, Hough, Humphreys, Irby, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McGuire, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Watkins, Walker, Watts, Whatley, Wilson, Wright and Young—52.

Those who voted in the negative are, Messrs. Austin, Barrow, Benbow, Bridges, Cain, Camp, Coleman, Cody, Coupland, Corsbie, N. Davis, Edwards, Foscue, Gardner, Gonder, Heflin, W. Hendrix, Hill, W. Holly, Lea, Ligon, McCall, McMullen, Neal, Perryman, Reese, Rowe, Ryan, Simmons, Swanson, Thorn, Turner, Williams, and Wood—34.

Mr. Foscue moved to amend the caption as follows :

An act to donate the remainder of the two, and one hundred thousand dollars of the three per cent. fund, to the Alabama and

Tennessee rail road company, and Coosa and Tennessee rail road company.

On motion of

Mr. Whatley, the caption of the bill was amended as follows:

And one hundred thousand dollars of the three per cent. fund, which was adopted.

On motion of

Mr. Blevins, said amendment was laid upon the table.

The joint resolutions from the Senate, ratifying the proposed amendments to the constitution of the State of Alabama, were read a second time.

Mr. Jones demanded the yeas and nays on ordering the resolutions to a third reading, and the resolutions were so ordered. Yeas 72; nays 2.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Humphreys, Jones, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—79.

Those who voted in the negative are, Messrs. Gazzam and Wood—2.

The House then resolved itself into a committee of the whole House upon the revenue bill. (Mr. Gates in the chair,) and after some time spent in deliberation, the committee rose and reported progress, and through their chairman asked and obtained leave to sit again.

And the House adjourned.

AFTERNOON SESSION, January 28th, 1850.

The House met pursuant to adjournment,

And resolved itself into a committee of the whole House upon the revenue bill, M. N. Davis in the chair,) and after some time spent in deliberation, the committee rose and reported progress, and through their chairman asked to be discharged. The committee were discharged.

And then the House adjourned.

NIGHT SESSION, January 28, 1850.

The House met pursuant to adjournment.

The engrossed bills:

To declare a certain person therein named a feme sole:

For the relief of John B. Moore, James R. West, Benjamin S. Russ, John W. Jones and Jacob W. King:

To incorporate the Eufaula and Barbour mutual insurance company:

To incorporate the Oak Bowery female college, under the direction and control of the Alabama Conference of the Methodist Episcopal Church South:

Were severally read a third time and passed.

The bills from the Senate:

To incorporate the Sydenham medical society of Montgomery:

To incorporate the Autauga manufacturing company:

Were severally read a third time and passed.

The engrossed bill to authorise William B. Drake to establish a ferry across the Warrior river, in the county of Greene, was read a third time and the House refused to pass said bill.

The bills:

To change the name of Martha R. Livingston to Martha R. Cook:

To authorise the commissioners of township twelve, range six, in the county of Wilcox, to rescind a certain contract therein specified, and for other purposes:

For the relief of John M. Risurnes, of Coffee county:

Granting the sheriff of Montgomery county two public sale days in each month:

For the relief of William W. Payne, of Butler county:

To incorporate the Opelika and Dudleyville plank road company:

Extending the jurisdiction of the criminal court of Mobile county, and for other purposes therein named:

For the relief of Alfred Wilson, of the county of Fayette:

To authorise the clerk, treasurer and sheriff of Fayette county to receive State witness' tickets in payment of fines and forfeitures:

To change the time of holding the chancery court of the counties of Franklin and Lauderdale:

To amend an act entitled an act to incorporate the Montgomery mining and transportation company:

Were severally read a second time, and the constitutional rule being suspended, were severally read a third time and passed.

The bills:

For the relief of James Nance, of the county of Pickens:

To provide for the compensation of jurors in justices' courts in Bibb county:

To authorise Edward Hulbert to sell certain tracts of land :
 Concerning the execution of the will of J. Chizligola, dec'd :
 To revive the charter of the Pineland academy for certain purposes :

Were severally read a second time and ordered to be engrossed for a third reading on to-morrow.

The bills :

To change the name of the person therein named :

Relating to section sixteen, township six, and range five :

For the relief of John S. Powell :

To declare the north prong of the Fendrick branch of the Warrior river a public highway, and for other purposes :

For the relief of James Mitchell :

For the relief of Ambrose A. Phillips :

To authorise J. M. N. B. Nix to erect gates on public road :

To amend an act passed the 25th of January, 1845, for the relief of Elizabeth Waldron, of Wilcox county :

For the relief of Julius A. Martiniere, of Sumter county :

To amend the charter of the Montgomery and Wetumpka plank road company :

For the relief of the executors of Dr. Samuel C. Oliver, of Montgomery county :

To incorporate the Tuskegee Fire Defiance company :

Regulating the commissioners' court of the county of Macon :

Were severally read a second time, and the constitutional rule being suspended, were severally read a third time and passed.

The bill from the Senate to incorporate the Alabama and Mississippi rail road company, was read a second time and referred to the committee on internal improvements.

The bill for the better regulation of presentments before grand jurors in the county of Fayette was read a second time.

Mr. Aldridge moved to amend by adding the county of Blount

Mr. Critcher, the county of Marshall.

Mr. Quinn, the county of Bibb.

Mr. Boon, the county of Dale.

Said amendments were severally adopted, and, on motion of

Mr. Humphreys, the further consideration of the bill was postponed until to-morrow.

The bills from the Senate :

For the benefit of the heirs of Joseph Billups :

For the relief of the securities of John Douglass, late clerk of the circuit court of Marion county :

To enlarge the powers of the sheriff and coroner of Montgomery county as to the sale of lands, slaves and other property taken in execution by them in said county :

To repeal an act to authorise the people of beat number six, in

Jefferson county, to elect an additional justice of the peace for said beat :

To change the time of holding the county court of Lowndes county, and for other purposes :

To determine the amount advanced by Ferdinand Lee for his township :

To continue a board of commissioners for the improvement of the navigation of the Black Warrior river :

To declare Alexander's mill creek, in the county of Coffee, a public highway :

To incorporate the Macon county manufacturing company :

To amend the charter of the Masonic Institute, at Dayton, in Marengo county :

Amending the act incorporating the town of Wetumpka :

For the relief of the children of Joseph A. Johnson and Lucy Johnson :

To amend an act to incorporate the Girard rail road company :

To authorise the judge and commissioners of roads and revenue of Washington county, to district said county, and for other purposes :

To amend and explain the charter of the Eufaula and Mobile rail road company :

To exempt the judges of the county courts of Coffee and Dale from certain orders therein named :

Were severally read the second time, and the constitutional rule being suspended, were read the third time forthwith, and passed.

Mr. Groce, from the select committee to whom was referred the bill to attach a part of Benton to Talladega county, reported the same back, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Patton, from the select committee to whom was referred the bill to incorporate the Chickasaw and Russellville macadamised road company, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read the third time forthwith, and passed.

Mr. Bridges moved to reconsider the vote by which the House on this night refused to pass the bill to authorise Wm. B. Drake to establish a ferry across the Black Warrior river, in Greene county. Said motion was lost.

And the House adjourned.

TUESDAY, January 29th, 1850.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Bridges, to revise and amend an act entitled an act to incor-

porate the Daletown, Woodville and Greensborough rail road company :

Mr. Foscue, for the relief of Thomas Hart :

Said bills were severally read, and the constitutional rule being suspended, were severally read a second time and ordered to be engrossed for a third reading on to morrow.

Mr. Bridges introduced a bill to repeal all laws heretofore passed, authorising the citizens of one county to vote in any other county, which was read and ordered to a second reading.

Mr. Irby introduced a bill to amend the act incorporating the town of Allenton, in Wilcox county, which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

Mr. Blevins introduced a bill to appropriate a portion of the three per cent. fund to the Calhauwa and Uniontown rail road company, which was read.

Pending the question on ordering the bill to a second reading, the hour of 10 o'clock, A. M. having arrived, the House proceeded to the consideration of the special order.

Mr. Jemison gave notice that he would move to reconsider the vote by which the House, on yesterday, passed the bill from the Senate, appropriating the unappropriated half of the two per cent. fund.

Mr. Storrs moved to reconsider the vote forthwith.

Mr. Speaker decided said motion to be out of order.

From which decision Mr. Storrs appealed.

The question, Shall the decision of the chair stand as the decision of the House, was decided in the affirmative.

The joint resolutions from the Senate ratifying the proposed amendments to the constitution, were read a third time and passed. Yeas 88 ; nays 2.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Irby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—88.

Those who voted in the negative are, Messrs. Gazzam and Wood—2.

Mr. James moved to suspend the special order to take up the revenue bill, upon which question,

Mr. Jemison demanded the yeas and nays, and the House refused to suspend. Yeas 46; nays 49.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Benbow, Brasher, Cody, Chisolm, Crews, Edwards, Foscue, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, Hough, Humphreys, Irby, Jones, J. H. King, Lea, Lockwood, McDonald, Murphy, Perryman, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Storrs, Walker, Watkins, Whatley, Williams, Wilson and Wright—46.

Those who voted in the negative are, Messrs. Speaker, Austin, Baker, Blevins, Boon Bridges, Cain, Camp, Coleman, Conpland, Creagh, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Gardner, Gonder, Gunter, W. Holly, Hudson, James, Jemison, Kennedy, M. A. King, Ligon, McCall, McCollum, McGuire, McMullen, McLeod, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Rives, R. H. Smith, Stone, Swanson, Thorn, Turner, Watts, Wood and Young—47.

The House then proceeded to the consideration of the special order, it being the bill appropriating money to build a new State capitol.

The question recurred on the adoption of the substitute reported by the committee.

Mr. Jemison moved to amend the substitute by striking out five thousand dollars and inserting two thousand five hundred dollars, which motion prevailed; also by additional section, viz:

SEC. —. *And be it further enacted*, That at the next biennial election for members of the General Assembly, to be held on the first Monday in August, eighteen hundred and fifty one, the managers of the several election precincts in this State, shall propound to each voter as he hands in his ticket, the question: Are you for an appropriation to re-build the State house at Montgomery? and shall cause each ticket to be endorsed, appropriation, or no appropriation, according to the answer of the voter.

Mr. W. Hendrix moved to lay the amendment and substitute on the table.

Mr. Jemison called for a division of the question, and demanded the yeas and nays, which was first taken on laying the amendment on the table, and lost. Yeas 43; nays 48.

Those who voted in the affirmative are, Messrs. Baker, Barrow, Benbow, Boon, Brasher, Bridges, Chisolm, Critcher, L. R. Davis, N. Davis, Foscue, Franks, Gardner, Goodman, Gonder, Gunter,

Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Irby, James, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Storrs, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—43.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Blevins, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Hatcher, W. Hendrix, Hill, Hough, Humphreys, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Thorn, Turner, Watkins and Wright—48.

Then on laying the substitute on the table, which was carried. Yeas 54; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Boon, Chiselm, Cooper, Critcher, L. R. Davis, Foscue, Franks, Gardner, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Irby, James, Jones, Kennedy, J. H. King, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Perryman, Reese, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, Storrs, Swanson, Walker, Watts, Whatley, Williams, Wilson, Wood, Young—54.

Those who voted in the negative are, Messrs. Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Cody, Coleman, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Hill, Hough, Humphreys, Jemison, M. A. King, Lea, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, R. H. Smith, Stone, Thorn, Turner, Watkins and Wright—40.

Mr. Gates moved to lay the bill upon the table, which motion was lost.

Mr. Jones moved to postpone until Monday next, and make it the special order for 10 o'clock, A. M., on that day, which was lost.

Mr. N. Davis moved to postpone the further consideration of the bill until the 11th of February; upon which question,

Mr. M. A. King demanded the yeas and nays, and the motion was lost. Yeas 27; nays 68.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Blevins, Camp, Coleman, Cooper, Coupland, Creagh, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Groce, M. Hendricks, Jones, Lea, McCollum, Neal, Perkins, Pickett, Rather, Reynolds, Ryan, Storrs, Turner and Watkins—27.

Those who voted in the negative are, Messrs. Speaker, Adams,

Ashley, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Chisolm, Cody, Crews, Critcher, L. R. Davis, Foscue, Franks, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, W. Hendrix, Hill, A. Holly, William Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Kennedy, J. H. King, M. A. King, Ligon, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perryman, Quinn, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Walker, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—68.

The question recurred on the motion of Mr. Jones to postpone until Monday next; upon which question,

Mr. Jemison demanded the yeas and nays; and the motion was lost. Yeas 32; nays 63.

Those who voted in the affirmative are, Messrs. Adams, Benbow, Blevins, Brasher, Chisolm, Critcher, Edwards, Foscue, Gazzam, Goodman, Groce, Hardwick, M. Hendricks, W. Hendrix, Hough, Humphreys, Jones, Kennedy, Lea, Ligon, Murphy, Perkins, Reynolds, Rowe, Simmons, E. L. Smith, Storrs, Walker, Watts, Whatley, Williams and Young—32.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Ashley, Austin, Baker, Barrow, Boon, Bridges, Cain, Cody, Camp, Coleman, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Gates, Goldsby, Gonder, Gunter, Hall, Hatcher, Heflin, Hill, A. Holly, Wm. Holly, Hudson, Irby, James, Jemison, J. H. King, M. A. King, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Rives, Ryan, Skelton, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins, Wilson, Wood and Wright—63.

Mr. Watts moved to postpone the further consideration of the bill until Friday next, and make it the special order for the hour of 10 o'clock, on that day; upon which question,

Mr. M. A. King demanded the yeas and nays, and the motion was lost. Yeas 43; nays 49.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Benbow, Brasher, Chisolm, Cooper, Critcher, Edwards, Gazzam, Goldsby, Goodman, Groce, Gunter, Hall, Hardwick, M. Hendricks, W. Hendrix, W. Holly, Hough, Humphreys, Jones, Kennedy, Lea, Ligon, McLeod, Murphy, Patton, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, Storrs, Walker, Watts, Whatley, Williams, Wilson, Wood and Young—43.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Boon, Bridges, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis,

Franks, Gardner, Gates, Gonder, Heflin, Hill, A. Holly, Hudson, Irby, James, Jemison, J. H. King, M. A. King, McCall, McCollum, McDonald, McGuire, McMullen, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Ryan, Skelton, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins and Wright—49.

Mr. Pickett moved the indefinite postponement of the bill.

Mr. Goodman moved to postpone the further consideration of the bill until Thursday next, at 10 o'clock, A. M., and that it be made the special order for that hour.

Mr. M. A. King moved to lay said motion upon the table, which was lost.

The question recurred on the motion of Mr. Goodman to postpone to Thursday next; upon which question,

Mr. Gates demanded the yeas and nays, and the motion prevailed. Yeas 49; nays 45.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Chisolm, Cooper, Critcher, Edwards, Gardner, Gazzam, Goldsby, Goodman, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, W. Hendrix, W. Holly, Hough, Hudson, Humphreys, Kennedy, J. H. King, Lea, Ligon, McLeod, Murphy, Patton, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, Storrs, Walker, Watts, Whatley, Williams, Wilson, Wood, Young—49.

Those who voted in the negative are, Messrs. Aldridge, Austin, Bridges, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Foscue, Franks, Gates, Gonder, Heflin, Hill, A. Holly, Irby, James, Jemison, M. A. King, McCollum, McDonald, McGuire, McMullen, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Ryan, Skelton, R. H. Smith, Stone, Swanson, Thorn, Turner, Watkins, Wright—45.

The House then resumed the consideration of the substitute for the revenue bill, reported by the majority of the select committee, and adopted in committee of the whole.

Mr. Jones moved to amend the first section of the bill by striking out twenty, with a view of inserting thirty-five cents, as the tax on real estate, which motion was lost.

Mr. Adams moved to amend the bill as follows:

Strike out all that relates to the tax on slaves, and insert, that all slaves shall be taxed at their real cash value, one-fifth of one per cent, to be ascertained in the same way that the value of land is ascertained by the first section of this act. Owners of slaves shall furnish the tax assessors with the number of their slaves, and the value of each slave; and if any assessor shall be of opinion that any tax payer has given in his or her slaves under their value, said assessor shall assess the same at what he may believe the real cash value of such slave or slaves; and if such

tax payer shall be dissatisfied with such assessment, he or she shall have the right of appeal to the commissioners' court of revenue and roads, by whom such issue shall be tried, and when tried, the decision shall be final.

Mr. Ligon moved to lay said amendment on the table.

Mr. Quinn demanded the yeas and nays, and the motion to lay on the table was lost. Yeas 35; nays 47.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Boon, Camp, Chisolm, Coupland, Creagh, Crews, A. R. Davis, Gates, Goldsby, Goodman Gonder, Hall, Hatcher, Alfred Holly, W. Holly, Hough, Irby, Kennedy, Lea, Ligon, McCollum, McDonald, McMullen, McLeod, Perkins, Rives, E. L. Smith, Swanson, Watts, Whatley, Williams and Wood—35.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Brasher, Bridges, Cain, Coleman, Cody, Critcher, Corsbie, L. R. Davis, N. Davis, Foscue, Franks, Gardner, Gazzam, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hudson, Humphreys, Jones, J. H. King, M. A. King, McGuire, Murphy, Patton Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, Simmons, R. H. Smith, Storrs, Thorn, Turner, Wilson, Wright and Young.

Mr. Gardner moved to amend the amendment by striking out "one-fifth," and inserting "one-tenth," which amendment was, on motion of

Mr. J. H. King, laid on the table.

Mr. Gardner moved to amend the amendment by striking out "one-fifth," and inserting "one-eighth."

Mr. M. Hendricks moved to lay said amendment on the table.

Mr. Gardner demanded the yeas and nays, and the amendment was laid on the table. Yeas 63; nays 21.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Bridges, Cain, Camp, Coleman, Cody, Coupland, Crews, Critcher, Corsbie, N. Davis, Foscue, Franks, Gates, Gazzam, Goodman, Groce, Gunter, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hulson, Irby, Jemison, Jones, J. H. King, M. A. King, McCollum, McGuire, McMullen, Murphy, Neal, Patton, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Turner, Watkins, Whatley, Williams, Wilson and Wright—63.

Those who voted in the negative are, Messrs. Baker, Chisolm, A. R. Davis, Edwards, Gardner, Gonder, Hall, Hatcher, James, Kennedy, Lea, Ligon, McCall, McDonald, McLeod, Perryman, Reese, Ryan, Watts, Wood and Young—21.

Mr. McCollum moved to amend the amendment by striking out one-fifth and inserting one-sixth, which amendment was, on motion of

Mr. M. Hendricks, laid on the table.

Mr. Hall moved to amend the amendment as follows :

Provided no further burden be imposed on slaves, and that the expense of working the roads be defrayed out of the property of the county, as likewise the charge for slaves executed.

Which amendment, on motion of

Mr. N. Davis, was laid on the table.

Mr. Gonder moved to amend the amendment as follows :

Provided no negro male slave shall be valued higher than five hundred and fifty dollars, and no female slave higher than four hundred dollars.

Which amendment was, on motion of

Mr. Aldridge, laid on the table.

The question recurred on the adoption of Mr. Adams' amendment, pending which question

The House adjourned.

AFTERNOON SESSION, January 29th, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the revenue bill under consideration this morning.

The question recurred on the adoption of the amendment offered on this morning by Mr. Adams.

Mr. Baker demanded the yeas and nays, and the amendment was lost. Yeas 32 ; nays 62.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Cain, Cody, Cooper, Critcher, Corsbie, L. R. Davis, N. Davis, Gazzam, Groce, Hardwick, Heflin, M. Hendricks, Hudson, Jemison, J. H. King, M. A. King, Murphy, Patton, Pickett, Quinn, Rowe, Ryan, Skelton, Storrs, Thorn, Wright and Young—32.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Blevins, Boon, Brasher, Bridges, Camp, Chisolm, Coleman, Coupland, Creagh, Crews, A. R. Davis, Edwards, Foscoe, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Gunter, Hall, Hatcher, W. Hendrix, Hill, A. Holly, Hough, Irby, James, Jemison, Kennedy, Lea, Ligon, Lockwood, Metcalf, McCollum, McDonald, McGuire, McMullen, McLeod, Neal, Perkins, Perryman, Rather, Reese, Reynolds, Rives, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson and Wood—62.

Mr. Simmons moved to amend the first section as follows :

Strike out all of said section which classifies slaves and insert	
On every slave under 5 years of age	\$ 25
" " " between 5 and 10 years of age	60
" " " 10 and 15 " " "	1 00

On every slave between 15 and 30 years of age	1	20
" " " " 30 and 40 " " "	1	00
" " " " 40 and 50 " " "		60
" " " " 50 and 60 " " "		25

Mr. Irby moved to lay said amendment upon the table, upon which question

Mr. Cooper demanded the yeas and nays, and the motion prevailed. Yeas 74; nays 14.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cam, Camp, Chisolm, Coleman, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hall, Hardwick, Hatcher, Heflin, W. Hendrix, Hill, A. Holly, Hough, Irby, James, Jemison, Kennedy, J. H. King, M. A. King, Ligon, Lea, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, E. L. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood and Wright—71.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Cody, Cooper, Critcher, Gunter, M. Hendricks, Hudson, Jones, Murphy, Rowe, Simmons and Young—14.

Mr. Jemison moved to amend the first section by striking out from the twenty-fourth line to the thirty-first line, both inclusive, and insert "on every amount received, charged, or contracted for in the way of interest, discount or premium, three and one-eighth per cent."

Mr. Ryan moved to lay said amendment upon the table.

A point of order having arisen, Mr. Baker (in the chair) decided Mr. Jemison's motion in order.

Mr. N. Davis appealed from the decision of the chair, and the question, Shall the decision of the chair stand as the decision of the House? was decided in the negative, and the House decided Mr. Jemison's motion not to be in order.

The rule heretofore offered by

Mr. Watts, that the rule requiring the House to confine itself to local business during the evening sessions be so altered as to permit general bills to be ordered to a second reading and referred to committees, was adopted.

And then the House adjourned.

NIGHT SESSION, January 29, 1850.

The House met pursuant to adjournment.

The engrossed bills:

To provide for the compensation of jurors in justices' courts in Bibb county:

Concerning the execution of the will of J. Chizligola, dec'd :
To revive the charter of the Pineland academy for certain purposes :

To authorise Edward Hulbert to sell a certain tract of land :

For the relief of James Nance, of the county of Pickens :

To authorise the Governor to deliver certain property to the United States :

To repeal in part a certain act therein named :

Were severally read a third time and passed.

The bills :

To provide for the election of registers and masters in chancery :

To form a new chancery district, &c. :

To amend and construe an act providing for attachments in chancery cases

Altering and amending the law in relation to gaming tables :

Authorising judges of the county court in vacation to grant tavern licenses :

Were severally read a second time and referred to the committee on the judiciary.

The bill to repeal in part the act requiring militia officers to uniform in this State, was read a second time and referred to the committee on the military.

The bill to equalise the tax for retailing spirituous liquors, was read a second time and referred to the committee on propositions and grievances.

The bill for the better regulation of presentments before grand juries in the county of Fayette, and for other purposes, was read the third time.

Mr. Foscue demanded the yeas and nays on the passage of the bill. The bill passed. Yeas 46 ; nays 22.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cooper, Crews, Critcher, A. R. Davis, Franks, Gardner, Goodman, Grace, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Hudson, J. H. King, Lea, Ligon, McCollum, McGuire, McMullen, Murphy, Neal, Patton, Perkins, Quinn, Rives, Ryan, E. L. Smith, Swanson, Thorn, Walker, Wood and Wright—44.

Those who voted in the negative are, Messrs. Ashley, Baker, Bridges, Cody, Conpland, N. Davis, Foscue, Gates, Irby, Jones, Kennedy, M. A. King, McDonald, Perryman, Rather, Reese, Rowe, Watts, Whatley Williams and Wilson—22.

The bill from the Senate to give the citizens of Alabama a remedy in our own courts for trespass upon their lands, was read the first time, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Baker moved to amend the bill by substitute, which was adopted, and the rule being further suspended, was read the third time forthwith and passed.

On motion of

Mr. Baker, the caption was amended as follows: "A bill authorising the issuance of attachments in certain cases in the county of Russell."

Mr. Watkins (by leave) introduced a bill to provide for the sale of the insolvent and doubtful claims belonging to the estate of Clark T. Barton, deceased. Also a bill to incorporate the Tusculumbia female seminary; which were severally read, and the constitutional rule being suspended, were read the second and third times forthwith and passed.

The bill from the Senate to authorise William L. McDow and John M. Soule to sell certain lands of their wards, was read the second time, and the constitutional rule being suspended, was read the third time and passed.

Mr. Wilson, from the committee on the military, to whom was referred an act to incorporate the Perry Guards, reported a substitute therefor, which was adopted, and the rule being suspended, the bill was read the third time forthwith and passed.

Mr. Hill, from the committee on internal improvements, to whom were referred the bills:

To incorporate the Auburn branch rail road company:

To incorporate the Livingston and Tombigby plank road company:

To incorporate the Benton and Hayneville plank road company:

Reported the same back with amendments, which were concurred in, and the bills were severally read a third time and passed.

The bill to establish justices' courts in the county of Franklin, was taken from the table and ordered to a third reading, and the constitutional rule being suspended, was read a third time forthwith and passed.

Mr. Swanson introduced a bill to incorporate the Hayneville and Tallawassee plank road company, which was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the committee on internal improvements.

And the House adjourned.

WEDNESDAY, January 30th, 1850.

The House met pursuant to adjournment.

Mr. Baker moved to reconsider the vote by which the House on yesterday sustained the decision of the chair ruling the motion of Mr. Storrs to reconsider the vote by which the House on the

day before yesterday passed the bill from the Senate appropriating the unappropriated half of the two per cent. fund. The said vote was reconsidered, and the chair decided the motion of Mr. Storrs to be in order.

Mr. Jemison moved to postpone said motion until Saturday next.

Mr. Blevins moved to lay the motion of Mr. Jemison upon the table, upon which question

Mr. Jemison demanded the yeas and nays, and the motion prevailed. Yeas 57; Nays 27.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Benbow, Blevins, Brasher, Chisolm, Cooper, Critcher, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Hough, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lockwood, McMullen, McLeod, Murphy, Patton, Pickett, Quinn, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watts, Whatley, Williams, Wilson, Wood and Young—57.

Those who voted in the negative are, Messrs. Ashley, Boon, Bridges, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, Edwards, Jemison, Lea, McCollum, McDonald, McGuire, Neal, Perkins, Perryman, Rather, Ryan, Stone, Thorn, Turner and Wright—27.

The question then recurred on reconsidering the vote on the passage of the bill, upon which question

Mr. Jemison demanded the yeas and nays, and the House refused to reconsider. Yeas 32; Nays 59.

Those who voted in the affirmative are, Messrs. Boon, Bridges, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, W. Hendrix, James, Jemison, Kendrick, Lea, Ligon, McCall, McCollum, McDonald, McGuire, Neal, Perkins, Perryman, Rather, Rowe, Ryan, Simmons, Stone and Turner—32.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Brasher, Chisolm, Cooper, Critcher, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Hardwick, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, Hough, Humphreys, Irby, Jones, Kennedy, J. H. King, M. A. King, Lockwood, McMullen, McLeod, Murphy, Patton, Pickett, Quinn, Reynolds, Rives, Skelton, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—59.

Mr. Watts, from the select committee to whom was referred

the bill to provide for the election of delegates to a convention of the Southern States, reported a substitute therefor.

Mr. Blevins moved to postpone the further consideration of the subject until Saturday next, which motion was lost.

The substitute was then adopted, and the constitutional rule being suspended, the bill was read a third time forthwith and passed, unanimously.

The House then resumed the consideration of the revenue bill.

Mr. Gardner moved to strike out of the first section the words, "and cargo sales of articles imported from foreign countries."

Which motion was lost

Mr. Bridges moved to strike out "20 cents," as the tax on the sale of merchandise, &c., and insert "15 cents, upon which question Mr. Davis demanded the yeas and nays, and the motion prevailed. Yeas 48; Nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Brasher, Bridges, Cain, Camp, Coleman, Creagh, Critcher, Foscue, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hatcher, A. Holly, Hough, Humphreys, Irby, James, Jemison, Jones, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McLeod, Noal, Patton, Perrynan, Quinn, Rives, Rowe, Stone, Storrs, Swanson, Thorn, Watkins, Walker, Watts, Watley and Williams—48.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Chisolm, Cody, Cooper, Coupland, Crews, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Groce, Hall, Hardwick, Heflin, W. Hendrix, Hudson, M. A. King, McCollum, McGuire, McMullen, Perkins, Pickett, Rather, Reese, Reynolds, Ryan, Skelton, Simmons, Turner, Wilson, Wood, Wright and Young—40.

The House concurred in the amendment of the committee of the whole House.

Mr. L. R. Davis moved to lay the bill upon the table, upon which question Mr. Rowe demanded the yeas and nays, and the motion of Mr. Davis was lost. Yeas 5; nays 83.

Those who voted in the affirmative are, Messrs. A. R. Davis, L. R. Davis, N. Davis, McLeod, Pickett—5.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, Foscue, Franks, Goodman, Gates, Gardner, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall,

McCollum, McDonald, McMullen, Neal, Patton, Perkins, Perryman, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—83.

Mr. Lea moved to amend the first section by striking out the tax on race tracks in the 129th line, and insert after the words race tracks, on every hundred dollars of the probable gross annual income, as nearly as can be ascertained, and at that \$500, but in no case less than \$25 00.

Which amendment was adopted.

Mr. N. Davis moved to strike out the tax on horses and mules ; upon which question,

Mr. N. Davis demanded the yeas and nays, and the motion to strike out prevailed. Yeas 61 ; nays 29.

Those who voted in the affirmative are, Messrs. Ashley, Austin, Baker, Boon, Brasher, Bridges, Camp, Chisolm, Coleman, Coupland, Creagh, Crews, Corsbie, L. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Gonder, Hall, Hatcher, Heflin, W. Hendrix, A. Holly, Humphreys, Irby, Jones, Kendrick, M. A. King, Lea, Ligon, McCall, McCollum, McDonald, McGuire, McMullen, Neal, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, E. L. Smith, Stone Storrs, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—61.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Barrow, Benbow, Cain, Cody, Cooper, Critcher, A. R. Davis, Foscue, Gazzam, Goodman, Groce, Gunter, Hardwick, M. Hendricks, Hill, Hough, Hudson, Jemison, Kennedy, J. H. King, Patton, Perryman, Skelton, R. H. Smith, Turner, Young—29.

Mr. Jemison moved to amend the first section as follows :

That for all purposes of taxation, the bills, notes, checks, certificates of deposits, or other issues or credits of any bank, chartered or unchartered, in or out of this State, or of any other corporation, partnership or individual, used or employed in purchasing or discounting any note, bill, bond, or other paper, negotiable or not negotiable, shall be deemed and held as money or capital, and shall be assessed and pay a tax, as though such operations or transactions were predicated on gold and silver.

Said amendment was adopted.

Mr. Hall moved to amend the first section by striking therefrom, in the tax on lawyers and physicians, the words, on their license of ten dollars, or at their option.

Said motion was lost.

Mr. Storrs moved to amend said section by striking therefrom, so much as exempts the salaries of chancellors and judges from taxation. Said amendment was adopted.

Mr. Jones moved to amend said section by striking therefrom, the taxes on all salaries fixed by law.

Said motion was lost.

Mr. W. Hendrix moved to amend said section as follows :

Add to the 51st line, " on each hundred dollars, and at that rate, of the gross income over five hundred dollars of all other public officers, private clerks and book keepers, resident in this State, and all presidents, clerks, book keepers, and other officers of incorporated companies in this State ; and all agents, clerks and book keepers in this State, of foreign corporations, companies, or individuals, fifty cents.

Mr. Irby moved to lay said amendment on the table.

Mr. W. Hendrix demanded the yeas and nays, and the motion to lay on the table was lost. Yeas 38 ; nays 48.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, Crews, L. R. Davis, N. Davis, Gardner, Gates, Gonder, Gunter, Hatcher, Hough, Irby, James, Jemison, Jones, J. H. King, M. A. King, Ligon, Lockwood, McDonald, McGuire, Neal, Patton, Perryman, Reynolds, R. H. Smith, Swanson, Walker, Watkins, Watts, Whatley, Williams and Wright—38.

Those who voted in the negative are. Messrs. Adams, Aldridge, Austin, Brasher, Cain, Camp, Coleman, Cody, Cooper, Coupland, Corsbie, A. R. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Lea, McCall, McCollum, McMullen, McLeod, Murphy, Perkins, Pickett, Quinn, Rather, Reese, Rowe, Ryan, Skelton, Simmons, Storrs, Thorn, Turner, Wilson, Wood and Young—48.

A point of order having arisen, Mr. N. Davis (in the chair,) decided that the bill under consideration being a substitute for the original bill, was, therefore, itself an amendment, and that it was not in order to propose any amendment submitted to said substitute.

From which decision,

Mr. Gardner appealed.

The question, Shall the decision of the chair stand as the decision of the House ? was decided in the affirmative.

Mr. L. R. Davis moved the previous question, which motion was, on motion of Mr. Cooper, laid on the table.

The question recurred on the adoption of the amendment of Mr. Wm. Hendrix.

Mr. Jones demanded the yeas and nays, and the amendment was adopted. Yeas 43 ; nays 35.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Brasher, Cain, Camp, Cody, Cooper, Coupland, Critcher,

A. R. Davis, Edwards, Foscue, Franks, Goldsby, Goodman, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Lea, McCall, McCollum, McMullen, McLeod, Murphy, Neal, Perkins, Perryman, Quinn, Rather, Reese, Ryan, Skelton, Simmons, Turner, Wilson, Wood and Young—43.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Bridges, L. R. Davis, N. Davis, Gardner, Gates, Gazzam, Gouder, Gunter, Hough, Irby, James, Jones, Kendrick, J. H. King, M. A. King, Lockwood, McDonald, McGuire, Patton, Reynolds, Rowe, R. H. Smith, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams and Wright—35.

And then the House adjourned.

AFTERNOON SESSION, January 30, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the revenue bill. The substitute reported by the committee of the whole House was adopted.

Mr. N. Davis moved to strike out "15 cents" as the tax on merchandise, and insert "20 cents."

Mr. Jones called for the division of the question.

Mr. N. Davis demanded the yeas and nays, and was first taken on striking out fifteen cents and lost. Yeas 36; nays 40.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Barrow, Boon, Brasher, Cody, Coupland, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Groce, Hall, Hardwick, Heflin, M. Hendricks, Hudson, Kennedy, M. A. King, Lea, McCollum, McGuire, McMullen, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, Simmons, Wilson, Wood, Wright and Young—36.

Those who voted in the negative are, Messrs. Speaker, Austin, Baker, Benbow, Cain, Camp, Chisolm, Creagh, Crews, Goodman, Gates, Gardner, Gunter, W. Hendrix, A. Holly, W. Holly, Hough, Irby, James, Jones, J. H. King, Lockwood, McCall, McDonald, McLeod, Neal, Patton, Perryman, Rives, Rowe, E. L. Smith, R. H. Smith, Stone, Swanson, Thorn, Walker, Watkins, Watts, Whatley and Williams—40.

The constitutional rule being suspended, the bill was read a third time forthwith.

Mr. N. Davis demanded the yeas and nays on the passage of the bill, and the bill passed. Yeas 63; nays 22.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, L. R. Davis, Franks, Gardner, Gates, Good-

man, Groce, Gunter, Hardwick, W. Hendrix, A. Holly, W. Holly, Hough, Humphreys, Irby, Jemison, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, Neal, Patton, Perkins, Perryman, Rather, Reynolds, Rives, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watts, Whatley, Williams, Wilson and Wright—65.

Those who voted in the negative are, Messrs. Adams, Austin, Cody, A. R. Davis, N. Davis, Edwards, Hall, Heflin, M. Hendricks, Hudson, James, McCollum, McGuire, McLeod, Pickett, Quinn, Reese, Rowe, Ryan, Watkins, Wood and Young—22.

The House then proceeded to the consideration of the bill prescribing the mode of electing and defining the duties of tax assessors and collectors.

Mr. Simmons moved to amend the first section by making the assessors and collectors elective by the people every two years, upon which question

Mr. Gardner demanded the yeas and nays on the adoption of the amendment, which was lost. Yeas 39; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Baker, Barrow, Boon, Brasher, Cody, Coleman, Cooper, Corsbie, Edwards, Gardner, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, James, Kennedy, J. H. King, McCall, McCollum, McDonald, McGuire, McMullen, Quinn, Reese, Reynolds, Rowe, Simmons, Swanson, Thorn, Walker, Whatley and Young—39.

Those who voted in the negative are, Messrs. Ashley, Austin, Benbow, Blevins, Bridges, Cain, Camp, Chisolm, Coupland, Creagh, Crews, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Goodman, W. Hendrix, Hough, Jemison, Jones, Kendrick, M. A. King, Lea, Ligon, Lockwood, McLeod, Neal, Patton, Perkins, Perryman, Pickett, Rather, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Watkins, Watts, Williams, Wilson, Wood and Wright—44.

Mr. Jemison moved to amend the bill by proviso, as follows:

Provided, Nothing herein contained shall authorise the same person to hold both the offices of assessor and collector.

Mr. Gardner demanded the yeas and nays, and the amendment was adopted. Yeas 60; nays 23.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Ashley, Austin, Barrow, Benbow, Brasher, Cain, Camp, Chisolm, Cody, Coleman, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goodman, Groce, Gunter, M. Hendricks, W. Hendrix, W. Holly, Hough, James, Jemison, Jones, J. H. King, M. A. King, Lea, McDonald, McLeod, Neal, Patton, Perkins, Perryman, Pickett, Quinn,

Rather, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Swanson, Turner, Walker, Watkins, Watts, Williams, Wilson and Wright--60.

Those who voted in the negative are, Messrs. Baker, Boon, Bridges, Gardner, Hall, Hardwick, Heflin, A. Holly, Hudson, Irby, Kendrick, Kennedy, Ligon, McCall, McCollum, McMullen, Ryan, Stone, Storrs, Thorn, Whatley and Wood--23.

Mr. Baker moved to amend the bill as follows:

Provided, That after the first appointment of assessor by the judge of the county and commissioners' courts, the qualified voters of the county of Russell may elect, on the first Monday in August in each year hereafter, an assessor for said county, to assess the tax for the succeeding year, said election to be governed by the same rules and regulations as elections for tax collector

On motion of

Mr. M. A. King, said amendment was laid on the table.

Mr. Gardner moved to amend the bill as follows:

In the first section strike out "\$1,000," and insert, "in such sum as the said court shall direct."

Said amendment was lost.

Mr. Jemison moved to amend the first section of the bill by adding to the proviso the following:

Except in the counties of Baldwin, Covington and Washington, in which counties the said individual may hold both the offices of collector and assessor, and it shall be lawful for the sheriff in said counties to hold either or both said offices.

Mr. Whatley moved to amend the amendment by adding the county of Benton; which was, on motion of

Mr. Aldridge, laid on the table, and the amendment of Mr. Jemison was adopted.

Mr. Jemison moved to amend the bill by additional section, as follows, to be numbered

SEC. 7. *And be it further enacted*, That the governor and comptroller shall make suitable arrangements to correct the maps heretofore furnished the several counties of this State; and that any agent who may be appointed to make such corrections shall enter into bond for the faithful performance of his duty.

Said amendment was adopted.

Mr. Jacob H. King moved to amend the bill as follows:

That the sheriff of Marion county is hereby authorised to collect the taxes of said county, subject to all the rules, regulations and restrictions of other tax collectors under this act.

Said amendment was lost.

Mr. Lea moved to amend the bill as follows:

In the sixth line of the eighth section after "State" insert "shall not collect any portion of the amount of their assessment

except from persons about to remove; from such persons they may collect and pay over to the collector, he."

Said amendment was adopted.

And the House adjourned.

NIGHT SESSION, January 30, 1850.

The House met pursuant to adjournment.

Mr. McLeod presented the petition of John Scott, which was referred to the committee on propositions and grievances.

Mr. Irby, from the committee on the military, to whom was referred the bill authorising the quarter master general to distribute cavalry arms on the terms therein named, reported the same back, and the constitutional rule being suspended, the bill was read a third time and passed.

The bills from the Senate:

For the relief of Abner Crenshaw:

For the relief of certain persons therein named:

For the relief of Robert T. Ashurst, of Montgomery county:

Were severally read, and the constitutional rule being suspended, were severally read a second and a third time forthwith and passed.

The amendments of the Senate to the bill making appropriations to pay certain claims against the State, were concurred in.

The amendments of the Senate to the joint resolutions:

In relation to the suit now pending between the State of Alabama and the branch bank at Huntsville:

For the printing and distribution of the report of the State geologist:

Were severally concurred in.

A message from the Senate, by Mr. Kidd:

Mr. Speaker: The Senate concurs in the first amendment of the House to the Senate bill providing for the more effectual prosecuting of persons trading illegally with slaves, and disagrees to the second, third and fourth amendments to said bill.

Mr. Gates moved to recede from the amendments disagreed to by the Senate, upon which question the yeas and nays were demanded, and the motion prevailed. Yeas 41; nays 34.

Those who voted in the affirmative are, Messrs. Speaker, Baker, Chisolm, Coleman, Coupland, Creagh, Crews, A. R. Davis, N. Davis, Foscue, Franks, Goodman, Gates, Gardner, Gonder, Hall, Hatcher, Heflin, Hough, Irby, Jemison, Jones, Kendrick, Lockwood, McCall, McDonald, McLeod, Neal, Patton, Perryman, Rather, Reese, Reynolds, Rives, Rowe, Simmons, R. H. Smith, Swanson, Watts, Williams and Young—41.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Brasher, Bridges, Cain, Camp, Cody,

Cooper, Critcher, Edwards, Groce, Gunter, Hardwick, M. Hendricks, W. Hendrix, A. Holly, J. H. King, Lea, McCollum, McGuire, Murphy, Quinn, Ryan, Storrs, Thorn, Turner, Walker, Watkins, Whatley, Wilson and Wright—34.

The engrossed bill for the relief of Francis M. Barnett, of Montgomery county, was read a third time.

Mr. Baker moved to amend the bill by engrossed ryder, as follows:

And be it further enacted, That the governor be further authorised and requested to cause to be issued a patent to Isham Dorsey, of Russell county, for the west half of the south-west quarter of section sixteen, township nineteen, and range twenty-nine, in Russell county, whenever he is satisfied the purchase money has been paid to any officer authorised to receive it.

Said ryder was read three times and adopted.

Mr. Bridges moved to amend the bill by engrossed ryder, as follows:

And be it further enacted, That a sale by the commissioners of a part of the sixteenth section, township twelve, range eleven, in Wilcox county, made on the 20th June, 1849, be and is hereby declared legal.

Said ryder was read three times and adopted.

And the constitutional rule being suspended, the bill was read the third time forthwith and passed.

The bill to divorce certain persons therein named, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. Jones, from the committee on the judiciary, to whom were referred the bills:

For the relief of the citizens of township sixteen; range seven, east, in Benton county:

Requiring the judges of the supreme court to certify their examinations of records and briefs of counsel in all cases taken to that court:

Reported the same back without amendment, and the constitutional rule being suspended, said bills were severally read the third time and passed.

Mr. Jones, from the same committee, to whom was referred the bill providing for a uniform law for the registration of deeds and other conveyances, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read the third time and passed.

Mr. Jones, from the same committee, to whom was referred the bill for the relief of Betsy Bartlett, of Pike county, reported adversely thereto. The report was concurred in.

Mr. Jones, from the same committee, to whom was referred

the bill from the Senate to refund to non-resident slaveholders taxes improperly received, reported the same back. On motion of Mr. Bridges, said bill was laid on the table.

The bill (of the House) in relation to taxes illegally collected from non-residents, was read the third time and passed.

The bill for the relief of Reuben Emmerson, tax collector of Montgomery county, &c. :

The bill for the relief of Levi Shackelford, late jailor of Montgomery county :

Were read the second time, and the constitutional rule being suspended, were read the third time and passed.

The bill to regulate in part the estates of deceased persons, was read the second time and referred to the committee on the judiciary.

The bill for the relief of Jacob Magee, was read the second time.

Mr. Gardner demanded the yeas and nays on ordering said bill to a third reading. The House refused to order the bill. Yeas 27 ; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Creagh, Crews, Gazzam, Gonder, Groce, Gunter, Wm. Hendrix, Hill, Humphreys, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McDonald, Patton, Reynolds, Swanson, Turner, Walker, Watkins, Watts, Whatley and Williams—27.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Coleman, Cody, Coupland, A. R. Davis, N. Davis, Franks, Gardner, Goodman, Hall, Hatcher, Heflin, M. Hendricks, A. Holly, Hough, Hudson, McCall, McCollum, McLeod, Murphy, Neal, Perryman, Rather, Reese, Rowe, Ryan, Simmons, Storrs, Thorn, Wilson, Wood, Wright and Young—44.

And the House adjourned.

THURSDAY, January 31, 1850.

The House met pursuant to adjournment.

The following representatives obtained leave to record their votes on the passage of the revenue bill :

Messrs. Blevins, Goldsby, Gonder, Hatcher and Hill voted aye.

Messrs. Foscue and Murphy voted no, on the revenue bill.

Bills were introduced by :

Mr. Kennedy, to incorporate the Cusseta female seminary :

Mr. A. Holly, for the better regulation of presentments before grand jurors in the county of Covington, and for other purposes :

Mr. Watkins, to declare Cedar creek, in the county of Franklin, a public highway.

Said bills were severally read and ordered to a second reading.

Mr. N. Davis introduced a bill to authorise the commissioners of the different sixteenth sections in this State to be authorised to draw from the State treasurer the amount received for sale of lands, which was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the committee on the sixteenth sections.

Mr. Jones introduced a bill to amend an act to establish a criminal court in the city of Mobile, which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

Mr. Jones introduced a bill for the relief of those persons who keep the seventh day of the week holy, which was read.

Mr. Hall moved to lay the bill upon the table, upon which question

Mr. Jones demanded the yeas and nays, and said motion was lost. Yeas 29; nays 62.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Brasher, Cain, Camp, Critcher, A. R. Davis, Edwards, Franks, Gardner, Gates, Hall, Hardwick, W. Hendrix, A. Holly, W. Holly, Kendrick, Kennedy, Lea, McCall, McCollum, McMullen, McLeod, Murphy, Patton, Quinn, Wilson, Wright and Young—29.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Cody, Coleman, Cooper, Coupland, Creagh, Crews, L. R. Davis, N. Davis, Foscue, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hatcher, Heflin, M. Hendricks, Hill, Hough, Humphreys, Irby, James, Jemison, Jones, Jacob H. King, M. A. King, Ligon, Lockwood, McDonald, McGuire, Neal, Perkins, Perryman, Pickett, Reese, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams and Wood—62.

And the bill was ordered to a second reading.

Mr. Lockwood introduced a bill to amend and consolidate the several laws in relation to schools in Mobile county, which was read and ordered to a second reading.

Mr. Lockwood presented the petition of D. Wheeler and others, which was referred to the committee on corporations and the judiciary.

Mr. Perkins introduced a bill to diminish frivolous prosecutions, which was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the committee on the judiciary.

Mr. Bridges introduced a bill to increase the salary of the Comptroller of Public Accounts, which was read, and the constitutional rule being suspended, was read a second time forthwith and referred to the committee on ways and means.

Mr. Pickett presented the following protest :

The undersigned, who voted against a bill entitled an act for the continuation of a commissioner and trustee to settle the remaining affairs of the State bank and branches, and for other purposes, which passed the House on the day of January, 1850, desires that his protest, with his reasons therefor, may be spread upon the journal of the House.

He protested against the passage of the bill :

1st. Because he believes the bill is a plain and palpable infraction of the 10th section of the first article of the Federal constitution, which inhibits any State from emitting bills of credit.

2d. Because the bill provides for a continuance of the old State bank system of Alabama, which has proved disastrous to the best interest of the State, and being emphatically condemned by the people.

3d. Because the bill authorises the commissioners to issue without limit, any amount of the notes of the State bank and branches, without providing any means whatever for the redemption of these notes, which may prove detrimental to those holding the same, and injurious to the credit of the State.

4th. Because the bill provides a compensation for the services of the commissioner, which the undersigned considers extravagant, taking into consideration the pecuniary embarrassment of the State.

RICHARD O. PICKETT,

Representative from Lawrence county.

The House then resumed the consideration of the revenue bill :

Mr. Watkins moved to amend the bill as follows :

“ And it shall be the duty of said clerk to make two complete abstracts of said books, so corrected, embracing the whole number or amount of each item of taxation, with the aggregate amount of the tax therein, extended into a column, which he shall carefully add up so as to shew the total amount of taxes in his county, and after carefully comparing said abstracts with the original books, and finding them to be correct, he shall certify the same, and provide one of said abstracts to the comptroller of public accounts, and the other to the county treasurer.

On motion of

Mr. Nathaniel Davis, the said amendment was laid on the table.

Mr. Goodman moved to amend the 11th section by striking out “ November ” and inserting “ December. ”

Mr. Williams moved to lay said motion on the table.

Mr. Gardner demanded the yeas and nays, and the motion was lost. Yeas 31; nays 46.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Baker, Benbow, Cain, Coleman, Creagh, Crews, Corsbie, N. Davis, Foscoe, Franks, Gates, Goldsby, Gonder, W. Hen-

Hendrix, Hough, Humphreys, Kendrick, J. H. King, M. A. King, Lea, Lockwood, McDonald, Patton, Storrs, Swanson, Turner, Williams, Wilson and Wood—31.

Those who voted in the negative are, Messrs. Ashley, Barrow, Camp, Chisolm, Cody, Coupland, A. R. Davis, L. R. Davis, Gardner, Gazzam, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Holly, Hudson, James, Jones, Kennedy, Ligon, McCall, McCollum, McGuire, McMullen, McLeod, Perryman, Pickett, Quinn, Reese, Reynolds, Rives, Ryan, Skelton, Simmons, E. L. Smith, Stone, Thorn, Walker, Watkins, Watts, Whatley, Wright and Young—46.

And the amendment was adopted.

Mr. Nathaniel Davis moved to amend the 21st section by striking out the words, "all over two thousand dollars, two per cent." and inserting, "on all over two thousand dollars, the assessor shall receive two per cent., and the collector one per cent."

Mr. Cooper moved to lay said amendment on the table.

Mr. N. Davis demanded the yeas and nays, and the amendment was laid on the table. Yeas 41; nays 37.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Benbow, Brasher, Chisolm, Cooper, Creagh, Crews, Edwards, Gates, Gazzam, Goodman, Gonder, Gunter, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Jemison, Kendrick, Lea, Lockwood, McCall, McDonald, Neal, Patton, Perkins, Reese, Reynolds, Rives, Ryan, Skelton, E. L. Smith, Swanson, Turner, Watts and Whatley—41.

Those who voted in the negative are, Messrs. Austin, Baker, Bridges, Cain, Camp, Cody, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, N. Davis, Foscue, Franks, Groce, Hall, Hardwick, Heflin, Hough, Humphreys, Hudson, Irby, M. A. King, McCollum, McMullen, Murphy, Perryman, Rather, Rowe, Simmons, Stone, Storrs, Thorn, Walker, Watkins, Wilson, Wood and Young—37.

Mr. Foscue moved to amend the 21st section by proviso, as follows:

"Provided, that the commissioners' court may make such additional allowance to the tax assessor as they may think proper, when the compensation allowed by this act does not amount to three hundred and fifty dollars.

On motion of

Mr. Rowe, said amendment was laid on the table.

Mr. Nathaniel Davis moved to amend said section by striking out the allowance of mileage to tax collectors.

Mr. Rather moved to lay said amendment on the table.

Mr. N. Davis demanded the yeas and nays, and the amendment was laid on the table. Yeas 55; nays 27.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Baker, Barrow, Benbow, Bridges, Cain, Camp, Chisolm, Cody, Creagh, Crews, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hatcher, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, Jemison, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, Patton, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, Swanson, Thorn, Turner, Watkins, Whatley, Williams, Wood and Wright—55.

Those who voted in the negative are, Messrs. Aldridge, Austin, Brasher, Coleman, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Hall, Hardwick, M. Hendricks, Hough, McMullen, Murphy, Neal, Perryman, Rowe, Simmons, Stone, Storrs, Watts, Wilson and Young—27.

Mr. Bridges moved to amend the 21st section, by striking out the commissions of the tax collectors, and inserting, "on all over two thousand dollars and under ten thousand, two per cent., and on all over ten thousand, one per cent." Said motion was lost.

Mr. Ryan moved to amend said section by changing the per diem allowed to the commissioners of revenue and roads, from one dollar to two dollars.

On motion of

Mr. Irby, said amendment was laid on the table.

Mr. Watkins moved to amend the 26th section, by striking out the word "Montgomery," which amendment was,

On motion of

Mr. N. Davis, laid on the table.

Mr. Jemison moved to amend the 26th section, by adding after the word "Montgomery," "or in the county in which said clerk may reside." Said amendment was adopted, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

And then the House adjourned.

AFTERNOON SESSION, January 31, 1850.

The House met pursuant to adjournment,

And proceeded to the consideration of the bill from the Senate "to incorporate the southern bank of Alabama."

Mr. Jemison moved to amend the bill by striking out all after the enacting clause, and inserting the bill as reported by the committee on banks and banking.

Said motion prevailed.

Mr. Williams moved to fill the blank with Mobile.

Mr. Hall moved to postpone said motion until Monday next; upon which question,

Mr. Perkins demanded the yeas and nays, and said motion prevailed. Yeas 50; nays 38.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Creagh, Gardner, Gates, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Jemison, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Perryman, Pickett, Rather, Reese, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watkins, Watts, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Bridges, Brasher, Camp, Cody, Coupland, Crews, A. R. Davis, N. Davis, Foscue, Franks, Gazzam, Goldsby, Heflin, Humphreys, Irby, James, J. H. King, M. A. King, Murphy, Neal, Patton, Perkins, Quinn, Reynolds, Ryan, Skelton, Stone, Storrs, Thorn, Turner, Whatley, Williams, Wilson, Wright—38.

Mr. Ryan moved to postpone the further consideration of the bill until Monday next; upon which question,

Mr. James demanded the yeas and nays, and said motion was lost. Yeas 20; nays 71.

Those who voted in the affirmative are, Messrs. Aldridge, Crews, N. Davis, Edwards, Foscue, Heflin, M. Hendricks, Hill, James, M. A. King, Neal, Perryman, Ryan, Skelton, Stone, Turner, Whatley, Williams, Wilson and Wright—20.

Those who voted in the negative are, Messrs. Adams, Ashley, Austin, Baker, Barrow, Benbow, Boon, Bridges, Camp, Chisolm, Coleman, Cody, Cooper, Coupland, Creagh, Critcher, A. R. Davis, Franks, Garduer, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, Jemison, Jones, Kendrick, J. H. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Walker, Watkins, Watts, Wood and Young—71.

Mr. Foscue moved to amend the bill as follows:

And the bank commissioner and trustee shall subscribe the two-fifths reserved for the State, whenever the remainder shall have been subscribed by individuals.

Pending which question,

The House adjourned.

NIGHT SESSION, January 31, 1850.

The House met pursuant to adjournment.

The roll being called, the following members were present:

Messrs. Ashley, Barrow, Benbow, Boon, Bridges, Camp, Cody, Coupland, Creagh, A. R. Davis, Foscue, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, M. Hendricks,

W. Hendrix, A. Holly, W. Holly, Irby, Jones, J. H. King, M. A. King, Lockwood, McCall, McDonald, McMullen, McLeod, Perkins, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Watts, Williams, Wood and Young—48.

The House then proceeded to the consideration of the bill to incorporate the southern bank of Alabama.

The question recurred on the adoption of the amendment offered by Mr. Foscue on this evening.

Mr. Crews moved to lay said amendment upon the table ; upon which question,

Mr. Foscue demanded the yeas and nays, and said motion prevailed. Yeas 66 ; nays 19.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Blevins, Boon, Cain, Camp, Cody, Cooper, Coupland, Crews, Critcher, A. R. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, Jones, J. H. King, M. A. King, Ligon, Lockwood, McCall, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Pickett, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, Swanson, Thorn, Turner, Watkins, Watts, Whatley, Williams, Wilson, Wright and Young—66.

Those who voted in the negative are, Messrs. Bridges, Chisolm, N. Davis, Foscue, Heflin, Hill, Irby, James, Jemison, Kendrick, Kennedy, McCollum, McDonald, Neal, Perryman, Storrs, Stone, Walker and Wood—19.

Mr. Gonder moved to amend the bill as follows :

Provided, No other bank shall be authorised to take stock in said bank.

Pending which question,

The House adjourned.

FRIDAY, February 1, 1850.

The House met pursuant to adjournment.

Bills were introduced by :

Mr. Jemison, to authorise George and G. H. Baker, and associates, to erect a toll bridge on North river, near their residence in Tuscaloosa county :

Mr. Hill, to better enable tax collectors to make sales of real estates for the non-payment of taxes :

Said bills were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

Mr. Hall introduced a bill to incorporate the Samaritan fund

company, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. McCollum presented the petition of sundry citizens of the eastern section of Fayette county, which was referred to the committee on county boundaries.

Mr. Rowe introduced a bill for the relief of physicians attending on State prisoners, which was read, and the constitutional rule being suspended, was read a second time forthwith.

Mr. N. Davis moved to amend the bill by striking out State treasurer, and inserting county treasurer.

On motion of

Mr. N. Davis, the bill and amendment were referred to the committee on propositions and grievances.

Mr. Jones, from the committee on the judiciary, to whom were referred the bills :

To affix a salary to the office of the judge of the county court ; and

To exempt from levy and sale the tools of certain mechanics therein named, and for other purposes :

Reported adversely thereto, and said reports were severally concurred in.

Mr. Jones, from the same committee, to whom was referred the petition of Sarah D. Riddle, reported adversely thereto.

The report was concurred in.

Mr. Jones, from the same committee, to whom were referred joint resolutions proposing an amendment to the constitution, making solicitors elective by the people, reported adversely thereto.

The report was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill providing for an additional term of the chancery court in the county of Macon :

To attach the county of Choctaw to the Sumter chancery district :

Exempting twenty-five bushels of wheat from levy and sale, under execution, reported the same severally back, and the constitutional rule being suspended, said bills were severally read the third time and passed.

Mr. Jones, from the same committee, to whom were referred the bills :

To refund certain taxes overcharged :

Authorising judges of the county court in vacation, to grant tavern license, reported the same severally back, and said bills were severally ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill "to provide for more accurate notice of the commitment of

absconding slaves, reported adversely thereto. On motion of Mr. R. H. Smith, the report was laid on the table, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Jones, from the same committee, to whom was referred the bill to authorise James Welsh to sell the real estate of his ward, Martha D. Welsh, with the accompanying petition, reported, "that if any fact exist in reference to the said Martha D. Welsh or her real estate belonging to her, which by the general law of this State, would authorise any court to make and order a decree for the sale of the lands, then the Legislature would have the power to pass the proposed bill, and a sale made under it would pass to the purchaser such titles as the said Martha has to the lands. But if no such fact exist, the Legislature has no power by a special law to authorise the guardian to sell his ward's real estate, and such sale would not be binding on the ward. The ward, on coming of age, might repudiate the sale and recover the land from the purchaser. The facts of the case are not sufficiently known to the committee to enable them to determine whether the bill ought to pass or not. Your committee, therefore, instruct me to report back the bill to the House, and ask to be discharged from its further consideration.

The committee was discharged, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Jones, from the same committee, to whom was referred the petition of James Magee and others, reported a bill to legalise two deeds therein mentioned, which was read and ordered to a second reading.

Mr. Jones, from the same committee, to whom was referred the bill amendatory of the act to reform the evils arising from local legislation, approved March 3d, 1848, reported the same back with an amendment, which was concurred in.

Mr. Aldridge moved to lay the bill on the table, and demanded the yeas and nays, and said motion prevailed. Yeas 53; nays 30.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Coleman, Cooper, Coupland, Crews, Corsbie, Edwards, Franks, Gardner, Gonder, Groce, Gunter, Hall, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Humphreys, James, Lea, Ligon, McCollum, McMullen, McLeod, Murphy, Neal, Perryman, Quinn, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Swanson, Thorn, Turner, Wilson, Wood and Wright—53.

Those who voted in the negative are, Messrs. Ashley, Baker,

Cody, Creagh, N. Davis, Gates, Gazzam, Goldsby, Goodman, Hardwick, Hough, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lockwood, McCall, McDonald, McGnire, Patton, Pickett, Rather, R. H. Smith, Storrs, Watkins, Watts, Whatley, Williams and Young—30.

Mr. Jones, from the same committee, to whom were referred the bills :

To form a new chancery district, &c. :

To authorise the orphans' court of Madison county to order the sale or distribution of certain slaves :

Reported the same severally back, and the constitutional rule being suspended, said bills were severally read a third time and passed.

Mr. Jones, from the same committee, to whom were referred the bills :

To provide for the election of registers and masters in chancery :

To compensate clerks and sheriffs in certain cases :

To authorise plaintiffs to prove their accounts, &c. :

To authorise the formation of limited partnerships :

Providing for the interest of certain wards :

To repeal in part an act therein named, and

The petition of J. L. Cottrell, *et al.* :

Reported adversely thereto.

Said reports were severally concurred in.

Mr. Jones, from the same committee, to whom were referred the bills :

To simplify, arrange, consolidate and improve the laws authorising the evidence of witnesses to be taken by deposition :

To repeal in part the law in relation to insolvent estates :

Reported the same back with amendments. The amendments were severally concurred in, and the constitutional rule being suspended, the bills were severally read the third time and passed.

Mr. Jones, from the same committee, to whom was referred the bill to declare certain persons therein named competent witnesses on the trial of offenders, reported the same back with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill to amend the act to reform the evils arising from local legislation, also the substitute proposed for said bill, reported in favor of the substitute, which was adopted, and the bill ordered to be engrossed for a third reading.

Mr. Jones, from the same committee, to whom was referred the bill for the better regulation of judicial proceedings, reported a substitute therefor, which was adopted, and the bill ordered to a third reading.

Mr. Jones, from the same committee, to whom was referred the petition of Charles and Ellen Williamson, reported adversely thereto.

The report and petition were laid on the table.

Mr. Jones, from the same committee, to whom was referred the bill to amend and construe an act providing for attachments in chancery, passed February 6th, 1846, reported the same back.

Said bill was ordered to be engrossed for a third reading.

Mr. Humphreys, from the committee on the State bank and branches, to whom was referred the petition of Riley F. Perdue and James H. Taylor, reported adversely thereto.

Said reports were concurred in.

Mr. Humphreys, from the same committee, to whom were referred the joint resolutions for the relief of Richard G. Davis, reported the same back, and the constitutional rule being suspended, said joint resolutions were read the third time forthwith, and passed.

Mr. Humphreys, from the same committee, to whom was referred the petition of Joseph Krebs, reported a bill for the relief of Joseph Krebs, of Mobile.

Said bill was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. N. Davis moved to amend the bill as follows :

After the words commissioner and trustee, insert, if in his opinion the same is just and equitable, under the sale of real estate belonging to the bank.

Said amendment was adopted.

Mr. Patton moved to amend the bill by striking out the sum specified therein, and inserting, such sum as the said commissioner and trustee shall deem just and equitable.

Said motion was lost, and the constitutional rule being suspended, the bill was read the third time forthwith.

Mr. Foscue demanded the yeas and nays on the passage, and the bill passed. Yeas 48; nays 24.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Blevins, Cain, Camp, Cooper, A. R. Davis, N. Davis, Franks, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Hall, Hatcher, Heflin, W. Hendrix, Hough, Humphreys, Jemison, Jones, Kendrick, Lea, Ligou, Lockwood, McCall, McDonald, McGuire McLeod, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Skelton, E. L. Smith, Swanson, Watkins, Watts and Williams—48.

Those who voted in the negative are, Messrs. Adams, Aldridge, Benbow, Boon, Brasher, Bridges, Coleman, Cody, L. R. Davis, Edwards, Foscue, Hill, A. Holly, J. H. King, M. A. King, McCollum, McMullen, Neal, Ryan, Thorn, Whatley, Wilson and Wood—24.

Mr. Whatley, from the committee on internal improvements, to whom was referred the bill to incorporate the Hayneville and Tallawassee plank road company, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Tallapoosa and Coosa rail road company, reported the same back with an amendment, which was concurred in.

Mr. Hall moved to amend the bill by an additional section, to be numbered four, which was adopted.

Mr. Watts moved to amend the bill by way of proviso to the third section, as follows:

Provided that any rail road or plank road company that is now or shall hereafter be chartered by the State of Alabama, shall have the right to cross or connect with said rail road.

Which was adopted, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

And then the House adjourned.

AFTERNOON SESSION, February 1, 1850.

The House met pursuant to adjournment.

Mr. Hill, from the committee on internal improvements, to whom was referred the bill from the Senate to incorporate the Montgomery and Tuskaloosa plank road company, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read a third time and passed.

Mr. Hill, from the same committee, to whom was referred the bill from the Senate to incorporate the Alabama and Mississippi rail road company, reported the same back, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Centreville plank road company, reported the same back, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Hill, from the same committee, to whom was referred the bill to incorporate the Opelika and Georgia rail road company, reported the same back with amendments. The amendments were concurred in, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Hill, from the same committee, to whom was referred the bill to authorise John D. Barrow and his associates to build a dam across the Tallapoosa river, in Randolph county, for manufacturing purposes, reported adversely thereto.

Mr. Heflin moved to lay the report on the table, which motion prevailed, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. Hill, from the same committee, to whom was referred the bill :

To appropriate five thousand dollars of the three per cent. fund, and so much of the Governor's message as relates to the organisation of a board of internal improvements, reported adversely thereto. The reports were severally concurred in.

Mr. Adams, from the same committee, to whom was referred the bill from the Senate to incorporate the Auburn and Girard plank road company, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read a third time and passed.

Mr. Rather, from the committee on the 16th section fund, to whom was referred the petition of Griffin L. Hagan, of Montgomery county, reported a bill for the relief of Griffin L. Hagan, which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

Mr. Rather, from the same committee, to whom was referred the petition of James Moore, R. W. Taylor and others, reported adversely thereto. The report was concurred in.

Mr. Rather, from the same committee, to whom was referred the bill to authorise the commissioners of the different sixteenth sections in this State to draw from the State Treasurer the amount received for the sale of lands, reported adversely thereto.

Mr. N. Davis moved to lay the report upon the table, which was lost.

Mr. Hardwick moved to lay the bill upon the table, which motion prevailed.

Mr. R. H. Smith, from the committee on sixteenth sections, to whom was referred a resolution of enquiry, &c., respecting the location of lands in aid of valueless sixteenth sections, reported a bill to locate lands for valueless sixteenth sections, which was read, and the constitutional rule being suspended, was read a second time forthwith.

Mr. Cooper moved to re-commit the bill to a select committee of five.

Mr. Aldridge moved to amend the bill as follows :

Be it further enacted, That settlers on public lands shall have a pre-emption for one year after such persons shall notify the comptroller of their intention to enter any land under the provisions of this act.

Be it further enacted, That no one person shall be entitled to enter more than one hundred and sixty acres under this act.

Mr. Walker moved to reconsider the vote by which the House

refused to re-commit the bill to a select committee of five ; upon which question,

Mr. Cooper demanded the yeas and nays, and said motion prevailed, and the bill was referred to a select committee of five. Yeas 47 ; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Barrow, Boon, Cain, Coleman, Cody, Cooper, Critcher, A. R. Davis, L. R. Davis, Edwards, Franks, Goldsby, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, Hudson, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, McCall, McCollum, McMullen, Murphy, Perkins, Pickett, Quinn, Reynolds, Rives, Rowe, Simmons, Swanson, Thorn, Walker, Watkins, Watts, Wright and Young—47.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Benbow, Brasher, Bridges, Camp, Chisolm, Coupland, Crews, N. Davis, Foscoe, Gardner, Gates, Goodman, Gonder, Groce, W. Hendrix, W. Holly, Hough, Irby, James, Jemison, Kennedy, Lockwood, McDonald, McGuire, McLeod, Neal, Patton, Perryman, Rather, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Turner, Whatley, Williams, Wilson, Wood—42.

Mr. M. A. King, from the committee on propositions and grievances, to whom was referred the petition of William H. Redwood, reported a bill to provide for the temporary storage of gunpowder within the limits of the city of Mobile, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. M. A. King, from the same committee, to whom was referred the bill from the Senate for the relief of James F. Bludworth, tax collector of Dale county for 1846, reported the same back, and the bill was read the third time and passed.

Mr. M. A. King, from the same committee, to whom was referred the petition of John Scott, reported adversely thereto.

On motion of Mr. Gardner, the petition was recommitted to a select committee, to be composed of the delegates from Pike, Barbour and Macon.

Mr. M. A. King, from the same committee, to whom was referred the bill for the relief of Richard W. East, late tax collector of Talladega county, and also, the account of R. G. Earle, of Benton county, reported adversely thereto. The report was concurred in.

Mr. M. A. King, from the same committee, to whom was referred the bill to authorise James M. Parris to charge ferriage in certain cases, reported adversely thereto.

On motion of

Mr. Adams, the report was laid on the table, and the bill ordered to be engrossed for a third reading.

Mr. Gates, from the same committee, to whom was referred the bill to equalize the tax for retailing spirituous liquors, reported adversely thereto.

Mr. Critcher moved to lay the report upon the table, which motion was lost, and the adverse report concurred in.

Mr. Gates, from the same committee, to whom was referred the petition of Joshua Anderson and others, reported adversely thereto. The report was concurred in.

Mr. Gates, from the same committee, to whom was referred the account of Susan H. Skelton, reported a bill to pay a certain claim against the State, which was read, and the constitutional rule being suspended, was read a second and third times forthwith and passed.

Mr. Baker, from the committee on divorce and alimony, to whom were referred sundry records of divorce, reported a bill divorcing certain persons therein named, which was read, and the constitutional rule being suspended, was read a second and third times forthwith and passed.

Mr. Wilson, from the committee on the military, to whom was referred the bill to incorporate the Dale Dragoons, reported the same back, and the constitutional rule being suspended, the bill was read a third time forthwith and passed.

Mr. Wilson, from the same committee, to whom was referred the bill to regulate the militia system of this State, reported adversely thereto. The bill and report were laid on the table.

Mr. Camp (by leave) introduced a bill to exempt certain persons in Jefferson county from working on roads, which was read, and the constitutional rule being suspended, was read a second and third times forthwith and passed.

Mr. Humphreys, from the committee on privileges and elections, reported a bill abolishing and establishing certain election precincts, which was read.

Pending the question on ordering the bill to a second reading, The House adjourned.

NIGHT SESSION, February 1, 1850.

The House met pursuant to adjournment.

Mr. Watkins, from the committee on county boundaries, to whom was referred the petition of sundry citizens of Barbour and Henry counties, reported adversely thereto. The report was concurred in.

Mr. Bridges, from the committee on ways and means, to whom was referred the bill to increase the salary of the comptroller of public accounts, reported the same back with an amendment, which was concurred in.

Mr. Perkins moved to amend the bill by additional section, as follows :

Be it further enacted, That books shall be kept in the comptroller's office in which all the accounts relating to the sixteenth sections and of the two and three per cent. funds, the condition of which funds respectively shall be attached to the comptroller's biennial report to the legislature.

Which was adopted.

Mr. Humphreys moved to strike out "two thousand dollars and in lieu of clerk hire," and insert "seventeen hundred dollars," which motion was lost.

Mr. Foscue demanded the yeas and nays on ordering the bill to a third reading, and the bill was so ordered. Yeas 54; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Barrow, Blevins, Bridges, Cain, Camp, Chisolm, Coleman, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, Gates, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hatcher, W. Hendrix, Hill, Hudson, Irby, James, Jemison, Jones, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McLeod, Murphy, Patton, Perkins, Quinn, Rives, Rowe, E. L. Smith, R. H. Smith, Storrs, Swanson, Turner, Walker, Watkins, Watts, Williams, Wilson and Wood—54.

Those who voted in the negative are, Messrs. Aldridge, Austin, Baker, Benbow, Boon, Brasher, Cody, Cooper, Coupland, Critcher, N. Davis, Edwards, Foscue, Franks, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, Hough, Humphreys, Kendrick, Kennedy, M. A. King, McCollum, McMullen, Neal, Perryman, Pickett, Rather, Reese, Reynolds, Ryan, Skelton, Simmons, Thorn, Whatley, Wright and Young—40.

Mr. Bridges, from the same committee, reported a bill making appropriations for the years one thousand eight hundred and fifty and fifty-one, which was read and ordered to a second reading.

Mr. Watkins, from the committee on county boundaries, to whom was referred a bill to attach a part of the county of Fayette to the county of Walker and to create a certain county therein named, reported a substitute therefor, which was adopted, and the constitutional rule being suspended, was read the third time forthwith and passed.

The question recurred on the adoption of the substitute offered by Mr. Goodman on the 28th of January to the bill to alter the district and change the time for holding the chancery courts and to increase the number of terms in the Northern chancery division. The substitute was adopted, and the constitutional rule being suspended, the bill was read the third time.

Mr. Cooper moved to postpone the further consideration of the bill to Thursday next, which motion was lost.

Mr. Humphreys moved to postpone to Monday next, which motion prevailed.

Mr. Watkins, from the select committee to whom was referred the bill to amend the laws pertaining to dower, reported a substitute therefor.

Mr. Hall moved to postpone the further consideration of the bill with a view to take up the bill appropriating money to build a new State capitol.

Mr. Gates moved to lay said motion on the table, and demanded the yeas and nays, and the motion prevailed. Yeas 48; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, W. Hendrix, Hill, Jemison, Jones, Kendrick, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Storrs, Thorn, Turner, Watkins, Williams, Wilson and Wright—48.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Boon, Chisolm, Cooper, L. R. Davis, Foscue, Goldsby, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, Hough, Humphreys, Irby, James, Kennedy, J. H. King, McCall, McMullen, McLeod, Murphy, Perryman, Rives, Reese, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—42.

The substitute was adopted, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. McCollum, from the select committee to whom was referred the petition of Benjamin E. Reynolds, tax collector of Fayette county, reported a bill for the relief of Benjamin E. Reynolds, tax collector of Fayette county, which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

And the House adjourned.

SATURDAY, February 2, 1850.

The House met pursuant to adjournment.

Mr. Walker moved to reconsider the vote by which the House refused to order to a third reading the bill to amend an act to incorporate the Florence bridge company.

Mr. Humphreys demanded the yeas and nays, and the motion prevailed. Yeas 49; nays 42.

Those who voted in the affirmative are, Messrs. Speaker,

Adams, Ashley, Baker, Benbow, Blevins, Boon, Cain, Chisolm, Cooper, Crews, Critcher, Corsbie, L. R. Davis, Gardner, Gazzam, Goodman, Groce, Gunter, Hardwick, M. Hendricks, W. Hendrix, Hill, Hough, Jemison, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Patton, Perkins, Pickett, Rives, Rowe, Simmons, E. L. Smith, Swanson, Thorn, Walker, Watkins, Watts, Young—49.

Those who voted in the negative are, Messrs. Aldridge, Austin, Barrow, Brasher, Bridges, Camp, Coleman, Cody, Coupland, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Gates, Goldsby, Gonder, Hall, Hatcher, Heflin, A. Holly, Wm. Holly, Hudson, Humphreys, Irby, Kendrick, M. A. King, Neal, Perryman, Quinn, Rather, Reynolds, Ryan, Skelton, R. H. Smith, Stone, Turner, Whatley, Williams, Wilson, Wood and Wright—42.

The House then proceeded, on motion of

Mr. Williams, to the consideration of the bill to incorporate the southern bank of Alabama.

Mr. Gonder (by leave) withdrew the amendment heretofore offered by him, and offered the following in lieu thereof:

Resolved, That no bank shall be permitted to subscribe for stock, either directly or indirectly, or be the owner of stock therein, except for debts due said bank; nor shall any stockholder in any other bank be permitted to subscribe for stock in said bank until the books for subscription shall have been open five days.

Said amendment was lost.

Mr. Neal moved to amend the first section by striking out "two" and inserting "five." Said motion was lost.

Mr. Gonder renewed the first amendment offered by him, as follows:

Provided that no other bank shall be allowed to take stock in said bank.

Said amendment was adopted.

Mr. Hall moved to amend the tenth section by adding thereto "and is not a stockholder in any other bank: And provided further that this restriction shall apply to the directors on the part of the State."

Mr. Jemison moved to amend said amendment by striking out "stockholders" and inserting "director."

Said motion was lost, and the amendment of Mr. Hall was adopted.

Mr. Hardwick moved to amend the twelfth section by striking out "six" and inserting "twelve."

Said motion was lost.

Mr. Cooper moved to amend the twelfth section by way of proviso, as follows:

And provided further that no transfer of stock shall be made

so as to vest in any one stockholder a greater number than one-third amount of the whole number of shares subscribed for in said corporation.

On motion of

Mr. Foscue, the said amendment was amended by striking out "one-third" and inserting "one-fourth," and the amendment as amended was adopted.

Mr. Jones moved to amend the same section by additional proviso, as follows:

And provided further that the bank shall have power to pass by-laws to prevent the assignment of shares by parties owing debts to said bank past due until such indebtedness be paid, and to withhold dividends due to persons so being in default, if they deem it proper.

Said amendment was adopted.

Mr. Nathaniel Davis moved to amend the bill by striking out the thirteenth section, which motion was lost.

Mr. Ligon moved to amend the fourteenth section by adding thereto:

And on all suits against said corporation, service of process on the president or cashier shall be sufficient to bring the defendant into court.

Said amendment was adopted.

Mr. Stone moved to amend the bill by striking out the second article and inserting:

That each stockholder of said bank shall be liable in his individual or private capacity for the whole amount of debts and issues of the bank.

Mr. Groce moved to lay said amendment on the table.

Mr. Stone demanded the yeas and nays, and the amendment was not laid on the table. Yeas 42; nays 49.

Those who voted in the affirmative are, Messrs. Benbow, Blevins, Camp, Cooper, Creagh, Crews, Gardner, Gates, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hough, Jemison, Jones, Kennedy, J. H. King, Lea, Ligon, Lockwood, McDonald, McGuire, McLeod, Patton, Perkins, Pickett, Rather, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts and Williams—42.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Boon, Brasher, Bridges, Cain, Cody, Coupland, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Foscue, Franks, Gazzam, Goldsby, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, William Holly, Humphreys, Irby, James, Kendrick, M. A. King, McCollum, McMullen, Murphy, Neal, Perryman, Quinn, Ryan, Stone, Thorn, Turner, Whatley, Wilson, Wood, Wright and Young—49.

And the House adjourned.

AFTERNOON SESSION, February 2, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the bill to incorporate the southern bank of Alabama.

The question recurred on the adoption of the amendment offered by Mr. Stone.

Mr. Watts moved the previous question.

Mr. Jemison moved to lay said motion upon the table, and demanded the yeas and nays, and the motion prevailed. Yeas 53; nays 31.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Coleman, Cody, Coupland, Crews, Corsbie, A. R. Davis, N. Davis, Foscue, Franks, Gazzam, Hardwick, Heflin, M. Hendricks, Humphreys, Irby, James, Jemison, Jones, Kendrick, M. A. King, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Perkins, Perryman, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Wilson, Wood and Wright—53.

Those who voted in the negative are, Messrs. Ashley, Chisolm, Creagh, Critcher, L. R. Davis, Gardner, Gates, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Hough, J. H. King, Lea, McCall, McMullen, McLeod, Pickett, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Walker, Watts, Williams and Young—31.

The question recurred on the adoption of the amendment offered by Mr. Stone; upon which question,

Mr. Irby demanded the yeas and nays, and the amendment was lost. Yeas 32; nays 62.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Boon, Brasher, Bridges, Coleman, Cody, Coupland, Corsbie, N. Davis, Edwards, Foscue, Franks, Hardwick, Heflin, M. Hendricks, Humphreys, Irby, James, M. A. King, Murphy, Neal, Perryman, Ryan, Skelton, Stone, Thorn, Turner, Whatley, Wilson and Wright—32.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Jemison, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Williams, Wood and Young—62.

Mr. Stone moved to amend the bill by striking out article

second, and inserting, that each stockholder shall be liable in his individual or private capacity to the extent of his stock therein.

Mr. R. H. Smith moved to lay said amendment upon the table; upon which question,

Mr. M. Hendricks demanded the yeas and nays, and said motion prevailed. Yeas 58; nays 37.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Brasher, Cain, Camp, Chisolm, Creagh, Crews, Critcher, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hill, Alfred Holly, Hough, Hudson, Jemison, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Patton, Perkins, Pickett, Quinn, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams, Wood and Young—58.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Boon, Bridges, Coleman, Cody, Cooper, Coup-land, Corsbie, A. R. Davis, N. Davis, Edwards, Foscue, Franks, Hardwick, Heflin, M. Hendricks, W. Holly, Humphreys, Irby, James, J. H. King, M. A. King, Murphy, Neal, Perryman, Rather, Ryan, Skelton, Stone, Thorn, Turner, Whatley, Wilson and Wright—37.

Mr. Irby moved to amend the bill as follows:

That the State shall be bound in proportion to its stock, and the individual stockholders, or any co-partnership or body politic having shares in said bank, shall be bound respectively, for all the debts of the bank, in double the amount of their stock holden therein.

Mr. L. R. Davis moved to lay said amendment upon the table; upon which question,

Mr. Humphreys demanded the yeas and nays, and the motion prevailed. Yeas 59; nays 35.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Cain, Camp, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hill, W. Holly, Hough, Hudson, Jemison, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Patton, Perkins, Pickett, Quinn, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams, Wood and Young—59.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Boon, Brasher, Bridges, Coleman, Cody, Coup-land, Corsbie, N. Davis, Edwards, Foscue, Franks, Hardwick,

Heflin, M. Hendricks, A. Holly, Humphreys, Irby, James, M. A. King, Murphy, Neal, Perryman, Rather, Ryan, Skelton, Stone, Thorn, Turner, Whatley, Wilson and Wright—35.

Mr. Whatley moved to amend the bill as follows:

That in the event said bank should suspend specie payment, and refuse to redeem any of its bills put in circulation, the owner or owners of said bills are hereby authorised to institute suit in any of the courts of this State, on said bill or bills so refused to be redeemed, against the bank, or any individual stockholder of said bank.

Mr. Cooper moved to amend said amendment by substitute, as follows:

And whenever the said president, cashier, or other officer of said bank, shall fail or refuse to redeem on presentation at the said bank, any of its bills, in gold or silver, it shall be lawful for the holder of any such bill, the redemption of which has been refused or neglected as aforesaid, to institute suit forthwith, by notice as provided for in this bill, in any court having jurisdiction of the same, against the said corporation or any one or more of the stockholders in said bank, as such billholder may elect, and shall have judgment and execution awarded thereon, upon proof of such presentation, neglect and refusal: *Provided*, Any one or more of said stockholders thus sued, may plead in bar, that he or she has taken up and paid, and had canceled of the bills of said bank, an amount equal to his or her private liability under the provisions of the charter of said bank; and the private liability of the stockholders of said bank shall be ascertained by comparing the amount of each stockholder's share in said bank, with the amount of bills in circulation, as shown by the annual report of said bank to the comptroller of the State, a certified copy of which report shall be *prima facie* evidence in all cases against the said bank or its stockholders.

Mr. Kennedy moved to lay said substitute upon the table.

Mr. Humphreys called for a division of the question, and

Mr. Cooper demanded the yeas and nays, which were first taken on laying the amendment offered by Mr. Cooper upon the table, which motion prevailed. Yeas 50; nays 38.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Bridges, Cain, Camp, Chisolm, Coleman, Creagh, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gouder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McLeod, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watts, Williams and Wood—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Boon, Brasher, Coleman, Cody, Cooper, Coupland, Crews, Corsbie, Edwards, Franks, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, Hough, Humphreys, Irby, James, Kendrick, J. H. King, M. A. King, Murphy, Neal, Perryman, Ryan, Skelton, Stone, Turner, Watkins, Whatley, Wilson, Wright and Young—38.

Second, on laying the amendment offered by Mr. Whatley upon the table, which motion prevailed. Yeas 53; nays 34.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Cain, Camp, Chisolm, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, W. Holly, Jemison, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McLeod, Patton, Perkins, Pickett, Rather, Reynolds, Rives, Rowe, Simmons, E. L. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams and Wood—53.

Those who voted in the native are, Messrs. Speaker, Aldridge, Boon, Bridges, Coleman, Cody, Cooper, Coupland, Corsbie, Franks, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, Humphreys, Irby, James, J. H. King, M. A. King, McGuire, McMullen, Murphy, Neal, Perryman, Quinn, Ryan, Skelton, Stone, Turner, Whatley, Wilson, Wright and Young—34.

Mr. Irby moved to amend the 3d article by striking out all after the words "paid in," which motion was lost.

Mr. Humphreys moved to amend the 3d article by striking out the word "twice," and inserting one and a half, upon which question,

Mr. Humphreys demanded the yeas and nays, and the motion was lost. Yeas 27; nays 61.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Boon, Bridges, Coleman, Cody, Cooper, Coupland, Foscue, Franks, Hardwick, Heflin, Humphreys, Irby, James, Kendrick, M. A. King, Murphy, Neal, Quinn, Skelton, Stone, Turner, Whatley, Wilson and Wright—27.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Brasher, Cain, Camp, Chisolm, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Jemison, Jones, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Patton, Perkins, Perryman, Pickett, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, Storrs, Swanson, Thorn, Watkins, Walker, Watts, Williams, Wood and Young—61.

Mr. Humphreys moved to amend the bill by striking out the "proviso" in the third article, which motion was lost.

Mr. Rowe moved to amend the bill by way of proviso, as follows:

"Provided, that no stockholder shall be allowed either directly or indirectly to borrow at, or be indebted to said bank, more than one half the amount of their stock paid in said bank," which was lost.

Mr. Hall moved to strike out the rule numbered three and a half, which motion was lost.

Mr. N. Davis moved to suspend the rule requiring the House to meet at 7 o'clock P. M. Upon which question,

Mr. Ashley demanded the yeas and nays, and said motion was lost. Yeas 44, nays 48.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Boon, Brasher, Cain, Camp, Coleman, Cody, Coupland, Critcher, Corsbie, N. Davis, Edwards, Franks, Hall, Heflin, M. Hendricks, W. Hendrix, Hudson, Humphreys, Irby, Jemison, Kendrick, M. A. King, Lea, McCollum, McGuire, Murphy, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Ryan, E. L. Smith, Stone, Thorn, Turner, Wilson and Wood—44.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Blevins, Bridges, Chisolm, Creagh, Crews, A. R. Davis, L. R. Davis, Foscue, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, Hill, A. Holly, W. Holly, Hough, James, Jones, Kennedy, J. H. King, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Patton, Reynolds, Rives, Rowe, Simmons, Storrs, Swanson, Walker, Watkins, Watts, Whatley, Williams and Wright—48.

Mr. Irby moved to amend the fourth rule by striking out "one-fourth," and inserting "one third," which motion was lost.

Mr. Ryan moved to amend the fifth rule by striking out "five," and inserting "ten," which was lost.

Mr. Jones moved to amend the sixth rule by adding "for any and every person residing in the county in which the bank is located," which motion was lost.

And the House adjourned.

NIGHT SESSION, February 2, 1850.

The House met pursuant to adjournment, and resumed the consideration of the bill to incorporate the Southern Bank of Alabama.

Mr. Cooper moved to amend the sixteenth rule by adding, "also, a list of the stockholders of said bank and the number of shares owned by each," which was adopted.

Mr. Humphreys moved to amend the bill by striking out the sixteenth section, and demanded the yeas and nays. Said motion was lost. Yeas 3; nays 77.

Those who voted in the affirmative are, Messrs. Gardner, Gonder and Humphreys—3.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goodman, Groce, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, James, Jemison, Jones, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McDonald, McMullen, McLeod, Murphy, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rives, Rowe, Ryan, Simmons, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—77.

Mr. Foscue moved to amend sixteenth section by striking out the word "three" and insert "four."

Mr. Gates called for a division of the question, which was first taken on the motion to strike out, and lost.

Mr. Aldridge moved to amend the bill by additional section, to be number seventeen, as follows:

"Be it further enacted, That whenever any notes, bill or bills, checks, or other issues of said bank, are presented at the counter of the same for redemption, and the bank shall refuse to redeem the same either in gold or silver, the cashier shall write across the back of such bill or bills, the words "protested," with the day and date, and shall sign the same and all such bills so protested, shall draw twelve per cent. interest from the date of the protest, until the same shall be redeemed, together with the interest that may have accrued thereon," which was adopted.

Mr. Watts moved to amend the bill by way of additional section to be numbered "eighteen," as follows:

"And be it further enacted, That no stockholder of said bank shall receive any loan from the bank either directly or indirectly, until the whole amount of his stock shall have been paid.

Mr. Humphreys moved to lay said amendment upon the table, which motion was lost.

Mr. Jacob H. King moved to amend said amendment as follows:

"That no stockholder shall be allowed to draw either by discount or otherwise, any specie deposited or paid into said bank as capital stock."

Mr. Humphreys moved to lay said amendment upon the table, which motion prevailed.

Mr. Cooper moved to amend the amendment offered by Mr. Watts, by striking out all after the word "indirectly," which motion was lost.

Mr. Jemison moved to amend the amendment offered by Mr. Watts, as follows:

"And no stockholder, while any portion of his stock is unpaid, shall be otherwise a debtor to said bank, nor shall said bank under any pretext hold any stock purchased by it of any of the stockholders, for more than six months from the date of said purchase," which was adopted, and the amendment as amended was adopted.

Mr. R. H. Smith moved to amend the 17th section by adding to the end of said section as follows: "And if any such note, bills, checks, or other issue be presented to said bank, and payment refused, and said officers fail to note the same protested, such officers so failing, and their securities, shall be subject to pay double the amount of the demand offered and refused, to be recovered by the person aggrieved, in any court of record in the county where said Bank may be located;" which was adopted.

Mr. Neal moved to amend the bill by way of additional sections, to be numbered nineteen, twenty and twenty-one, which was adopted.

Mr. Humphreys moved to amend the bill by way of proviso as follows: "Provided, that the charter of said bank may be repealed at any time by the Legislature of this State," and demanded the yeas and nays, and the motion was lost. Yeas 31; nays 53.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin Boon, Brasher, Coleman, Cody, Coupland, Corsbie, N. Davis, Edwards, Foscue, Franks, Hardwick, Heflin, M. Hendricks, Humphreys, James, J. H. King, McLeod, Murphy, Neal, Perryman, Quinn, Ryan, Thorn, Turner, Whatley, Wilson, Wood and Wright—31.

Those who voted in the negative are, Messrs. Ashley, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hatcher, W. Hendrix, A. Holly, W. Holly, Hough, Jemison, Jones, Kennedy, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, Patton, Perkins, Pickett, Rather, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Williams, and Young—53.

Mr. Creagh, under previous notice, moved to reconsider the vote by which the motion of Mr. Williams to fill the blank in the first section with the word "Mobile" was postponed until Monday.

Mr. Watts moved to postpone the consideration of Mr. Creagh's motion until Monday.

Mr. Speaker decided said motion to be out of order, from which decision Mr. Watts appealed.

The question, Shall the decision of the chair stand as the decision of the House? was decided in the affirmative.

The question recurred on Mr. Creagh's motion to re-consider. Mr. Blevins demanded the yeas and nays, and the vote was reconsidered. Yeas 50; nays 40.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Coleman, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Groce, M. Hendricks, W. Hendrix, Hill, Humphreys, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—50.

Those who voted in the negative are, Messrs. Speaker, Ashley, Benbow, Boon, Chisolm, Critcher, L. R. Davis, Foscue, Gardner, Goodman, Gonder, Gunter, Hardwick, Hatcher, Heflin, A. Holly, W. Holly, Hough, James, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—40.

Mr. Gonder moved to adjourn, which motion was lost.

The question recurred on the motion of Mr. Williams to fill the blank in the first section with Mobile.

Mr. N. Davis moved to amend the amendment of Mr. Williams by substitute, striking out Mobile and inserting Huntsville.

Mr. Wilson moved to postpone the bill and amendments until Thursday next, and demanded the yeas and nays, and the motion was lost. Yeas 21; nays 67.

Those who voted in the affirmative are, Messrs. Speaker, Boon, Chisolm, L. R. Davis, Edwards, Franks, Gardner, Gonder, W. Holly, Hough, Jones, James, Kennedy, McCall, McMullen, McLeod, Rives, E. L. Smith, Wilson, Wood and Young—21.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Blevins, Brasher, Bridges, Cain, Camp, Coleman, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Foscue, Gates, Gazzam, Goodman, Groce, Gunter, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, Humphreys, Irby, Jemison, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, Skelton, Simmons, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Whatley, Williams, and Wright—67.

Mr. L. R. Davis moved to reconsider the vote just taken.

Mr. McMullen moved to adjourn, and demanded the yeas and nays, and the motion was lost. Yeas 39; nays 49.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Baker, Benbow, Brasher, Cain, Chisolm, Coleman, Cooper, Critcher, L. R. Davis, Edwards, Foscue, Franks, Gardner, Goodman, Gonder, A. Holly, W. Holly, Irby, James, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Pickett, Rather, Rives, E. L. Smith, Swanson, Walker, Watkins, Watts, Wilson and Wood—39.

Those who voted in the negative are, Messrs. Aldridge, Ashley, Austin, Blevins, Boon, Bridges, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Gates, Goldsby, Groce, Gunter, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, Hough, Humphreys, Jemison, Jones, M. A. King, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Perryman, Quinn, Reynolds, Rowe, Ryan, Skelton, Simmons, R. H. Smith, Stone, Storrs, Thorn, Whatley, Williams, Wright, Young—49.

The question recurred on the motion of Mr. L. R. Davis to reconsider the vote by which the House refused to postpone until Thursday next, the bill and amendments.

Mr. L. R. Davis demanded the yeas and nays, and the motion was lost. Yeas 35; nays 55.

Those who voted in the affirmative are, Messrs. Baker, Barrow, Boon, Brasher, Chisolm, Coleman, L. R. Davis, Edwards, Gardner, Gonder, Groce, Gunter, Hardwick, Heflin, A. Holly, W. Holly, Hough, James, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Perryman, Rives, Rowe, Simmons, E. L. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—35.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Blevins, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Foscue, Franks, Gates, Gazzam, Goldsby, Goodman, M. Hendricks, W. Hendrix, Hill, Humphreys, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Skelton, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—55.

And then, on motion of Mr. Alfred Holly,
The House adjourned.

MONDAY, February 4, 1850.

The House met pursuant to adjournment.

Mr. Whatley introduced a bill to prevent slaves from retailing spirituous liquors, and for other purposes, which was read, and the constitutional rule being suspended, was read a second and third time forthwith and passed.

Mr. Aldridge introduced a bill to refer the appropriation to rebuild the capitol at Montgomery to the people, and for other purposes, which was read, and pending the question on ordering the bill to a second reading,

The House proceeded to the consideration of the special order, it being the bill to incorporate the southern bank of Alabama.

Mr. N. Davis (by leave) withdrew Huntsville.

The question recurred on the motion of Mr. Williams to fill the blank with Mobile.

Mr. Hall moved to postpone said motion to Monday next.

Mr. Jemison moved to lay the motion of Mr. Hall on the table, upon which question,

Mr. Hall demanded the yeas and nays, and the motion prevailed. Yeas 54; nays 39.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, M. Hendricks, W. Hendrix, Hill, Hough, Humphreys, Irby, Jemison, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams, and Wright—54.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Foscue, Gardner, Gonder, Gunter, Hall, Hardwick, Heflin, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Perryman, Rather, Reese, Rives, Rowe, Skelton, Simmons, Swanson, Walker, Watts, Wilson, Wood and Young—39.

Mr. Baker moved to amend the amendment as follows:

At such place as the legislature, by joint vote of the General Assembly, may determine at its present session.

Mr. N. Davis (in the chair,) decided the amendment offered by Mr. Baker to be out of order.

Mr. Watts appealed from the decision of the chair; upon which question,

Mr. Kennedy demanded the yeas and nays, and the question, Shall the decision of the chair stand as the decision of the House? was decided in the affirmative. Yeas 47; nays 44.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, Edwards, Gates, Gazzam, Groce, Heflin, M. Hendricks, W. Hendrix, Hill, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Reynolds, Ryan, R.

H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—47.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Foscue, Franks, Gardner, Gonder, Gunter, Hall, Hatcher, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—44.

Mr. Hall moved to amend the amendment offered by Mr. Williams as follows: "Tuskaloosa, Huntsville, Montgomery or Mobile, by a joint vote of the two houses."

Mr. Irby moved to lay said amendment upon the table, upon which question Mr. Hall demanded the yeas and nays, and the motion to lay upon the table was lost. Yeas 43; nays 52.

Those who voted in the affirmative are, Messrs. Aldridge, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Heflin, W. Hendrix, Hili, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Quinn, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Whatley, Williams, Wright—43.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Austin, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Critcher, L. R. Davis, Foscue, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, M. Hendricks, A. Holly, W. Holly, Hough, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Pickett, Rather, Reese, Rives, Rowe, Ryan, Skelton, Simmons, Swanson, Walker, Watkins, Watts, Wilson, Wood, Young—52.

The question recurred on the adoption of the amendment offered by Mr. Hall, upon which question Mr. Irby demanded the yeas and nays, and the amendment was adopted. Yeas 52; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Austin, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Critcher, L. R. Davis, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Pickett, Rather, Reese, Rives, Rowe, Skelton, Simmons, Swanson, Walker, Watkins, Watts, Wilson, Wood and Young—52.

Those who voted in the negative are, Messrs. Aldridge, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews,

Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Heflin, W. Hendrix, Hill, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Quinn, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Whatley, Williams and Wright—44.

Mr. Jemison moved to amend the amendment just adopted by striking out the words "by joint vote of the two houses," which motion was lost.

Mr. Jemison moved to amend said amendment by striking out "Tuskaloosa," which motion was lost.

Mr. Goldsby moved to amend said amendment by striking out "Mobile," and demanded the yeas and nays, and the motion was lost. Yeas 4; nays 89.

Those who voted in the affirmative are, Messrs. Austin, Critcher, N. Davis, Heflin—4.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Cooper, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, Edwards, Foscue, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood and Young—89.

Mr. Pickett moved to reconsider the vote by which the House refused to strike out "Tuskaloosa."

Mr. Hall demanded the yeas and nays, and the vote was reconsidered. Yeas 66; nays 29.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Groce, Hardwick, Hatcher, Heflin, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rowe, Ryan, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Walker, Watkins, Whatley, Williams, Wilson and Wright—66.

Those who voted in the negative are, Messrs. Speaker, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Foscue, Gonder,

Gunter, Hall, M. Hendricks, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, Ligon, McCall, McMullen, McLeod, Reese, Rives, Simmons, Swanson, Watts, Wood and Young—29.

Mr. Blevins moved to amend the amendment of Mr. Hall by striking therefrom the word "Montgomery."

Mr. Irby moved to lay Mr. Hall's amendment on the table.

Mr. Hall demanded the yeas and nays, and the motion was lost. Yeas 45; nays 47.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Groce, Hatcher, Heflin, Wm. Hendrix, Hill, Humphreys, Irby, Jamison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Reynolds, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—45.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Critcher, L. R. Davis, Edwards, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, M. Hendricks, A. Holly, Wm. Holly, Hough, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Rowe, Ryan, Skelton, Simmons, Swanson, Walker, Watts, Wilson, Wood and Young—47.

The question recurred on the adoption of the amendment of Mr. Blevins to the amendment of Mr. Hall to strike out Montgomery.

Mr. Hall demanded the yeas and nays, and the motion was lost. Yeas 47; nays 47.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Groce, Hatcher, W. Hendrix, Hill, Hough, Humphreys, Irby, Jamison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Quinn, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—47.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Critcher, L. R. Davis, Foscue, Franks, Gardner, Goodman, Gunter, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Patton, Perryman, Pickett, Rather, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—47.

And the amendment of Mr. Hall as amended was adopted.

Mr. Irby moved to amend the seventeenth rule by adding thereto :

And the said commissioners shall each make affidavit before an acting justice of the peace that they have not, previous to the time of their visit, communicated to the officers of said bank the time when they would visit said bank for the purpose of examination as aforesaid, which said affidavit shall be filed in the office of the Secretary of State.

Said amendment was adopted.

Mr. Neal moved to amend the seventh section by striking out "eighty" and inserting "seventy."

Said motion was lost.

Mr. R. H. Smith moved to amend the third article as follows :

Strike out from the word "the," in the third line, article third, to the remainder of the section and insert, "circulation, in which case the bank may issue above the circulation to the amount of said excess : Provided that in the determining the amount of specie on hand deposits shall not be included."

And the House adjourned.

AFTERNOON SESSION, February 4, 1850.

The House met pursuant to adjournment,

And proceeded to the consideration of the bill to incorporate the southern bank of Alabama.

The question recurred on the adoption of the amendment offered by Mr. R. H. Smith, which was lost.

Mr. Jones moved to fill the blank in the second section as follows :

Nine commissioners to be appointed by the governor.

Which was adopted.

Mr. Jones moved to fill the blank in the third section as follows :

Such bank or other place of deposit as the governor may direct, or in default of such direction, as the commissioners may select.

Which was adopted.

Mr. J. H. King moved to amend the third article as follows :

Provided, That this article shall not be so construed as to allow the bank to have more than sixteen hundred and sixty-eight thousand dollars of its notes or bank bills in circulation at any one time.

Mr. Hall moved to amend the amendment offered by Mr. J. H. King, as follows :

In the event the State shall take the stock reserved for her, and the whole amount privileged to be taken by individuals shall be taken and paid in, not more than one million in the event the State shall not take any stock.

The question recurred on the adoption of the amendment as amended; upon which question,

Mr. Crews demanded the yeas and nays, and the amendment was adopted. Yeas 70; nays 17.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Cooper, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Foscue, Franks, Groce, Hall, Hardwick, Hatcher, Heflin, Hill, W. Holly, Hough, Hudson, Irby, James, Kendrick, J. H. King, M. A. King, Ligon, McCall, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Ryan, Skelton, R. H. Smith, Stone, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—70.

Those who voted in the negative are, Messrs. Gardner, Gates, Gazzam, Goodman, Gonder, W. Hendrix, Jemison, Jones, Kennedy, Lea, Lockwood, McCollum, McDonald, Rowe, Simmons, Storrs and Swanson—17.

Mr. Rather moved to reconsider the vote by which the House on this morning refused to strike out of the amendment of Mr. Hall, the word Montgomery; upon which question,

Mr. Hall demanded the yeas and nays, and the motion prevailed. Yeas 48; nays 43.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Hatcher, W. Hendrix, Hill, Hough, Humphreys, Irby, Jemison, Jones, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—48.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis, Foscue, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Heflin, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Pickett, Reese, Rives, Rowe, Simmons, E. L. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—43.

Mr. Wilson moved to reconsider the vote by which the House on this morning refused to strike from the amendment of Mr. Hall, the word Mobile, and demanded the yeas and nays thereon. Yeas 48; nays 46.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Benbow, Boon, Chisolm, Critcher, L. R. Davis, Edwards, Foscue, Franks, Gardner, Gold-

by, Goodman, Gonder, Hall, Heflin, M. Hendricks, Alfred Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Perryman, Rather, Reese, Rives, Rowe, Ryan, Simmons, Swanson, Walker, Watts, Wilson, Wood and Young—48.

Those who voted in the negative are. Messrs. Ashley, Barrow, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Groce, Hatcher, W. Hendrix, Hill, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Reynolds, E. L. Smith, R. H. Smith Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—46.

Mr. Blevins (by leave) withdrew his motion to strike out Montgomery.

Mr. Goldsby (by leave) withdrew his motion to strike out Mobile.

Mr. Fosene moved the previous question, and demanded the yeas and nays thereon.

The call for the previous question was sustained. Yeas 54; nays 24.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Cain, Chisolm, Cody, Critcher, L. R. Davis, Fosene, Franks, Gardner, Gates, Goldsby, Goodman, Gonder, Gunter, Hall, Heflin, Hill, A. Holly, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, Jacob H. King, M. A. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Pickett, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Williams, Wilson, Wood, Wright and Young—54.

Those who voted in the negative are. Messrs. Blevins, Camp, Coupland, Crews, Corsbie, A. R. Davis, Gazzam, Groce, Humphreys, Jemison, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Quinn, Rather, Reynolds, Ryan, Stone, Thorn and Turner—24.

Mr. Pickett moved to suspend the constitutional rule in order to give the bill a third reading forthwith.

Mr. N. Davis demanded the yeas and nays, and the rule was suspended. Yeas 73; nays 15.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Cooper, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Jemison, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood,

McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Watkins, Watts, Williams, Wilson, Wood, Wright and Young—73.

Those who voted in the negative are, Messrs. Bridges, Cody, Coupland, Corsbie, N. Davis, Edwards, Franks, Hardwick, Heflin, Humphreys, Irby, James, Perryman, Turner and Whatley—15.

Mr. Nathaniel Davis demanded the yeas and nays on the passage of the bill, and the bill passed. Yeas 63; nays 32.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Baker, Barrow, Benbow, Blevins, Cain, Camp, Chisolm, Cooper, Creagh, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, M. Hendricks, W. Hendrix, Hill, W. Holly, Hudson, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Walker, Watkins, Watts, Williams and Young—63.

Those who voted in the negative are, Messrs. Speaker, Aldridge, Austin, Boon, Brasher, Bridges, Cody, Coupland, Corsbie, N. Davis, Edwards, Foscue, Franks, Goldsby, Heflin, A. Holly, Hough, Humphreys, Irby, James, Jemison, M. A. King, McCollum, Neal, Perryman, Stone, Thorn, Turner, Whatley, Wilson, Wood and Wright—32.

And the House adjourned.

NIGHT SESSION, February 4th, 1850.

The House met pursuant to adjournment.

Messrs. Foscue and Goldsby obtained leave to record their votes against the bill to incorporate "The Southern Bank of Alabama," which passed the House this afternoon, and Mr. Blevins, by leave, recorded his vote in favor of said bill.

Mr. Baker moved to suspend the special order, it being the bill to amend the act securing to married women their separate estates, &c., with a view of taking up the bill appropriating money to build a new State capitol.

Mr. Jemison moved to lay said motion on the table, and demanded the yeas and nays, and said motion was lost. Yeas 44; nays 51.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Gates,

Groce, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins and Wright—44.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Critcher, L. R. Davis, Foscue, Franks, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Perryman, Rather, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Williams, Wilson, Wood and Young—51.

The question then recurred on the motion of Mr. Baker to suspend the special order, upon which question,

Mr. Jemison demanded the yeas and yeas; and said motion prevailed. Yeas 51; nays 43.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis, Foscue, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—51.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Groce, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, M. A. King, Lea, McCollum, McGuire, Neal, Perkins, Pickett, Quinn, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins and Wright—43.

Mr. Baker moved to amend the bill as follows:

“That in rebuilding the said State House, the materials fit for use remaining of the one destroyed by fire, may be used in rebuilding the Capitol, which was adopted.

Mr. Baker moved to fill the blank with fifty thousand dollars. Pending which question,

The House adjourned.

TUESDAY, February 5th, 1850.

The House met pursuant to adjournment.

Mr. Cooper, (by leave.) from the select committee to whom was referred the bill to locate lands in aid of valueless sixteenth sections, reported a substitute therefor, which was adopted.

Mr. Aldridge moved to strike out "one dollar," and insert "seventy-five cents," as the minimum price of lands, which was lost.

Pending the question on ordering the bill to the third reading, the hour of ten having arrived, the House proceeded to the consideration of the special order, being the bill appropriating money to build a State Capitol.

The question recurred on the motion of Mr. Baker to fill the blank with fifty thousand dollars, upon which question,

Mr. Blevins demanded the yeas and nays, and the motion prevailed. Yeas 54; nays 36.

Those who voted in the affirmative are. Messrs. Speaker, Ashley. Baker, Barrow, Benbow, Boon, Bridges, Chisolm, Cooper, L. R. Davis, Gardner, Gates, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, James Jones, Kendrick, Kennedy, J. H. King, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Swauson, Walker, Watts, Whatley, Wood and Young—54.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin Blevins, Cain, Camp, Cody, Conplund, Creagh, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gazzam, Hill, Irby, Jemison, M. A. King, Lea, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Ryan, Storrs, Thorn, Turner, Watkins, Wilson and Wright—36.

Mr. Baker moved to amend the bill as follows:

Be it further enacted, That the commissioners shall require of the builders or contractors a bond with good and sufficient security, to be by them approved, in double the amount of the cost of the building, and made payable to the Governor of this State and his successors in office, conditioned faithfully to execute their work; and that if any deficiency shall appear in the work or materials in and about said building within five years after it shall have been received by the State, the said contractors or builders shall fully repair and make good the same. That the governor shall appoint two competent persons to act in conjunction with himself, who shall constitute a committee to superintend the building said State house, and to contract with architect and builders, or other workmen, for the purpose of constructing said State capitol, and the House of Representatives, the Senate chamber and the supreme court room, shall be built according to the new and acknowledged principles of Acoustics.

Mr. Creagh moved to amend the bill by way of substitute, as follows:

That at the first election holden for the election of judges of

the circuit courts under the late amendments to the constitution of the State, the sheriff and other officers holding elections at the several precincts throughout the State, shall propound to each voter as he hands in his ticket, the question, Are you for or against the appropriation to rebuild the State house at Montgomery? and shall endorse the ticket of each voter, for or against appropriation, as he may answer; and said sheriff and other officers shall make return of the vote thus given, to the Secretary of State, within thirty days after the election.

SEC. 2. *And be it further enacted*, That within ninety days after the election holden as aforesaid, or sooner, if full returns of the vote for or against appropriation as aforesaid, be made, of which the Secretary of State shall inform the Governor, said returns shall be opened and counted in the presence of the Governor, Secretary of State, Treasurer and Comptroller of public accounts, and if it be found that a majority of votes are for an appropriation, then, and in that event, the sum of fifty thousand dollars is hereby appropriated to be applied as hereinafter provided, to rebuilding of the State House on the former site and on the foundation of the late capitol.

SEC. 3. *And be it further enacted*, That in case of there being as aforesaid, a majority of the votes for an appropriation, then shall, for the purpose of making the contracts and performing such other acts as may be necessary for rebuilding the State House, be formed a board of commissioners to consist of the Governor and six other members to be appointed by him, whose duty it shall be, without unnecessary delay, to let out the building of a State House, to be built as aforesaid, agreeable to such specifications as they may have prescribed, and they shall have full power to employ an architect and such other agents as they may find necessary to the execution of their power, and such architect and agents shall receive a compensation to be fixed and agreed upon by the board and the party employed. A majority of said board shall constitute a quorum to do business, and may appoint any three of their body as a building or visiting committee, whose duty it shall be to superintend the erection of the State House as herein contemplated. The Governor shall be ex-officio president of the board of commissioners, but if absent, those present may name a president pro tem. A meeting of the board may be called either by the president or the building or visiting committee, or any other three members.

SEC. 4. *And be it further enacted*, That the amount herein appropriated, (if the majority of the votes given be in favor of an appropriation as herein specified,) shall be paid out of any funds in the Treasury, not otherwise appropriated, and shall be paid to the warrant of the comptroller of public accounts, issued upon the order of the president of the board of commissioners.

SEC. 5. *And be it further enacted*, That the commissioners shall each before entering upon his duties, take an oath, "that he will in no case, or in any manner, be concerned or interested in any contract for materials or work, or in any other contract connected with the building the new State House herein provided for, and that he will in every respect, faithfully, and to the best of his skill and ability, perform the duties required of him by law, and no member of the Legislature shall be eligible as a commissioner, within the term for which he was elected.

Mr. McMullen moved to lay said substitute upon the table, upon which question,

Mr. Creagh demanded the yeas and nays, and said motion was lost. Yeas 43 ; nays 52.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Foscue, Gardner, Gazzam, Goodman, Gonder, Hall, Hardwick, Heflin, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—43.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Goldsby, Groce, Hatcher, M. Hendricks, W. Hendrix, Hill, Hough, Humphreys, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Storrs, Stone, Thorn, Turner, Watkins and Wright—52.

Mr. Jemison moved to amend the substitute by filling the blank with fifty thousand dollars, which was adopted.

Mr. Goodman moved to amend the substitute as follows :

Be it further enacted, That each voter shall say at the time he hands in his vote whether he is in favor of the seat of government at Tuskaloosa or Montgomery, and as each voter shall vote, so the managers shall enter the same on the back of the ticket, and whichever place shall have a majority shall be the permanent location of the seat of government of the State of Alabama.

Mr. Jemison moved to lay said amendment upon the table, and demanded the yeas and nays, which motion prevailed. Yeas 48 ; nays 46.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Groce, Wm. Hendrix, Hough, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett,

Quim, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—48.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Brasher, Benbow, Boon, Chisolm, Cooper, L. R. Davis, Foscue, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, Murphy, Patton, Perryman, Reese, Rives, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—46.

Mr. L. R. Davis moved to amend the substitute as follows :

That question, which the appropriation of the two and three per cent. funds to the Selma and Tennessee rail road company shall be sanctioned by the people, be submitted at the same time to them, by the officers conducting the election proposing the question to each voter, Are you in favor of appropriating to the Selma and Tennessee rail road company? and the said officer shall endorse on the ticket yea or nay, as the voter chooses ; and the return shall be made in the same manner as provided for in other elections of the State ; and if a majority of the people decide that the appropriation shall not be made, the Governor shall withhold the appropriation heretofore made to said company.

A point of order having arisen,

Mr. Speaker decided the amendment of Mr. L. R. Davis to be in order, from which decision,

Mr. Blevins appealed ; upon which question,

Mr. M. A. King demanded the yeas and nays. Yeas 41 ; nays 53.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis, N. Davis, Edwards, Foscue, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Heflin, W. Hendrix, Alfred Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, Lea, Ligon, McCall, McMullen, McLeod, Patton, Perryman, Reese, Rives, Rowe, Simmons, Swanson, Walker, Watts and Wood—41.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, Franks, Gates, Gazzam, Goldsby, Groce, Hatcher, M. Hendricks, Hill, Hough, Irby, Jemison, Jones, J. H. King, M. A. King, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams, Wilson, Wright and Young—53.

The decision of the chair was not sustained, and the amendment of Mr. L. R. Davis was decided, by the House, to be out of order.

Mr. Hall moved to amend the substitute as follows:

Strike out all after the word question, as far as, at Montgomery, and insert, Are you for, or against, a removal of the capital of the State to Tuscaloosa?

Mr. Pickett moved to lay said amendment upon the table; upon which question,

Mr. Watts demanded the yeas and nays.

Said motion prevailed. Yeas 52; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Groce, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Walker, Whatley, Williams, Wilson and Wright—52.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Foscue, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Wood and Young—42.

And the House adjourned.

AFTERNOON SESSION, February 5, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the bill appropriating money to build a new State capitol.

Mr. Gardner moved to amend the substitute as follows:

Provided that should the appropriation be refused by the people, that the comptroller be instructed to refund to the corporate authorities of the city of Montgomery the amount of money paid out in the construction and furnishing the capitol and the improvement of the ground around the same, and the sum of eighty thousand dollars is hereby appropriated for that purpose.

Mr. Adams moved to lay said amendment on the table, upon which question

Mr. Gardner demanded the yeas and nays, and the motion prevailed. Yeas 47; nays 41.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Goldsby, Groce, Heflin, Wm. Hendrix, Hill, Hough, Irby, Jemison, Jones, M. A. King, Mc-

Collum, McDonald, McGuire, Murphy, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Thorn, Turner, Watkins, Wilson and Wright—47.

Those who voted in the negative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis, Gardner, Gazzam, Goodman, Gonder, Gunter, Hall, A. Holly, W. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Lea, Ligon, McCall, McMullen, McLeod, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Storrs, Swanson, Walker, Watts, Whatley and Wood—41.

Mr. Goodman moved to amend the substitute, as follows:

“That the city authorities of Montgomery, be hereby authorised to rebuild the State Capitol upon the old foundation, provided the same is done free of any charge to the State, and provided, also, that if the same is rebuilt, it shall remain the seat of government for this State.

Pending which question,

The House adjourned.

NIGHT SESSION, February 1, 1850.

The House met pursuant to adjournment.

Mr. Brasher moved to suspend the special order with the view of taking up the general orders on the third reading, and bills of the House amended by the Senate.

The engrossed bills:

Authorising judges of the county courts in vacation to grant tavern licenses:

To repeal certain taxes overcharged:

To authorise James M. Harris to charge ferriage in certain cases:

To amend and construe an act providing for attachments in chancery, passed February 5th, 1846:

Were severally read a third time and passed.

The engrossed bill to increase the salary of the comptroller of public accounts, were read a third time.

Mr. Heflin demanded the yeas and nays upon the passage of the bill, and the bill passed. Yeas 51; nays 30.

Those who voted in the affirmative are, Messrs. Adams, Barrow, Blevins, Brasher, Bridges, Camp, Chisolm, Crews, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Goodman, Hatcher, W. Hendrix, Hill, Hough, Irby, James, Jemison, Jones, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McLeod, Murphy, Neal, Patton, Perkins, Quinn, Rives, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Watts, Williams, Wilson and Wright—51.

Those who voted in the negative are, Messrs. Aldridge, Austin, Baker, Benbow, Boon, Cody, Cooper, Coupland, Critcher, Edwards, Groce, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, W. Holly, Hudson, Humphreys, Kennedy, McMullen, Perryman, Pickett, Rather, Reynolds, Rowe, Ryan, Simmons, Thorn and Whatley—30.

The engrossed bill for the better regulation of judicial proceedings, was read the third time.

Mr. Wilson demanded the yeas and nays upon the passage of the bill; and the House refused to pass the bill. Yeas 20; nays 58.

Those who voted in the affirmative are, Messrs. Baker, Bridges, N. Davis, Gardner, Gates, Goodman, Wm. Hendrix, Jones, Lea, Ligon, Lockwood, Pickett, Rather, R. H. Smith, Stone, Swanson, Walker, Watkins, Watts and Whatley—20.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Barrow, Benbow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Cody, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, Edwards, Franks, Groce, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jemison, Kendrick, Kennedy, J. H. King, M. A. King, McCall, McDonald, McMullen, McLeod, Murphy, Patton, Perryman, Quinn, Reynolds, Rowe, Ryan, Skelton, Simmons, Storrs, Thorn, Turner, Williams, Wilson, Wright and Young—58.

The engrossed bill to amend the act approved the 3d of March, 1848, to prevent the evils arising from local legislation, was read the third time.

Mr. Baker moved to lay the bill upon the table, which motion was lost, and the House refused to pass the bill.

The House concurred in the amendments of the Senate to
The bills:

For the relief of jurors in Baldwin county:

To incorporate the Alabama and Florida rail road company:

To incorporate the Pickens Guards:

To incorporate the South-eastern plank road company:

To incorporate the Wedowee and Arbacoochee rail road company:

To enlarge and define the duties of the Intendant and Constable of the town of Carrollton:

To amend a certain act therein named:

For the relief of John R. Hartley, administrator of Thomas McDonald:

To require the treasurers of the counties of Chambers, Shelby, Dale, Barbour, Butler, Benton, Walker, Clarke, Randolph and Pike, to make semi-annual reports, and for other purposes:

For the relief of Francis M. Barnett, of Montgomery county :

To incorporate the Marshall Cavaliers :

To amend the charter of the town of Eufaula :

For the relief of Bradford Hambrick, of Madison county :

To authorise the mayor and aldermen of the town of Huntsville to subscribe to the capital stock of the Memphis and Charleston rail road company :

To incorporate the Florence and Lawrenceburg turnpike or plank road company :

To authorise William P. Brown to build a toll bridge across Big Cahawba river :

To amend the road laws of this State in the counties of Shelby, Marengo, Pike, Marion, Franklin, Pickens, Tallapoosa, Lawrence, Macon, Coosa, Clarke, Talladega, Washington, Choctaw, Sumter, Tuskaloosa, Wilcox, Monroe, Jefferson, Bibb, Limestone, Benton, Dallas, Covington, Chambers, Coffee, Henry and Conecuh.

To establish a captain's beat on Lookout mountain, in Cherokee county, and for other purposes.

The bills from the Senate ::

To provide for the election of judges of circuit courts and judges of the inferior courts of this State by the people :

To reduce the salvage on coal boats :

To compensate Samuel W. McGehee for a certain slave executed :

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

Mr. Bridges, from the joint committee appointed for the purpose of ascertaining the amount of State bonds in the offices of the Secretary of State and State treasurer, reported that the committee do not find any State bonds in the office of the Secretary of State. In the office of the State treasurer were found many bonds which appeared to have been issued under the provisions of the acts of the General Assembly approved in June and December of the year eighteen hundred and thirty-seven. Some of these bonds are in such a defaced and mutilated condition that it is impossible to ascertain their dates or numbers. From such of the bonds as are legible, the following facts appear :

1. There are three hundred and twenty-seven bonds issued under the act of the 30th June, 1837, without date, signed by H. McVay, governor, J. C. Van Dyke, comptroller, Wm. Hawn, treasurer, each for two hundred and twenty-five pounds sterling, payable two years from date with six per cent. interest, amounting to three hundred and twenty-seven thousand dollars.

2. Also one hundred and six bonds, issued under the same act, dated 1st November, 1838, signed by the same State officers

and Wm. D. Stone, president of the State bank, each for the sum of two hundred and twenty-five pounds sterling, payable at four years from date, at six per cent. interest, written on the face of each bond "cancelled 4th September, 1840," amounting to one hundred and six thousand dollars.

3. Also three hundred and thirty-three bonds, issued under the same act, dated 1st of January, 1839, signed by the same State officers and H. Perkins, president of the State bank, each for the sum of two hundred and twenty-five pounds sterling, payable at four years from date, with interest at six per cent., written on the face of each bond "cancelled June 17th, 1841," amounting to three hundred and thirty-three thousand dollars.

4. Three hundred and twenty-three bonds, issued under the same act, signed by the same State officers, each for the same amount and of the same date as the last preceding, payable at six years from date, with interest at six per cent., written on the face "cancelled" some June 17th, 1841, some July, 1841, others August 9th, 1841, amounting to three hundred and thirty-three thousand dollars.

5. Also fifty bonds, issued under the same act, without date, for the branch bank at Decatur, signed by the same State officers and Wm. D. Stone, president of the State bank, each for the sum of two hundred and twenty-five pounds sterling, payable at two years from date, with interest at six per cent., written on the face "cancelled," and amounting to fifty thousand dollars.

6. Also, seventy-five bonds issued under the same act, for the branch bank at Decatur, no date, signed by the officers, and for a similar amount with the preceding, payable at four years from date, with interest at six per cent., written on the face "cancelled," amounting to seventy-five thousand dollars.

7. Also, seventy-five bonds without date, issued under the same act, for the same bank, signed by the same officers for similar amount as the preceding, payable at six years from date, with interest at six per cent., marked on the face, "cancelled," amounting to seventy-five thousand dollars.

8. Also, one thousand three hundred and two bonds issued under the act of 23d December, 1837, dated day of 1838, signed A. P. Bagby, Governor, J. C. Van Dyke, Comptroller, Wm. Hawn, Treasurer, and H. Perkins, President of the State Bank, each for the sum of two hundred pounds sterling, payable on the first day of January, 1858, with interest from date, at five per cent., some of which are marked "cancelled," and some have no marks of cancellation on them. amounting in all to \$1,156,000. For the further disposal of said bonds. the joint committee offer the accompanying bill, and recommend its passage :

A bill to provide for the registration and safe disposition of the unsold State Bonds.

SETH P. STORRS,
Chairman on the part of the Senate.
J. W. BRIDGES,

Chairman on the part of the House of Representatives.

The above bill was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Turner, from the committee on roads, bridges and ferries, to whom was referred the petition of sundry citizens of Franklin county, reported a bill to incorporate the Chickasaw and Waterloo bridge company, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Goodman, from the committee on divorce and alimony, to whom were referred sundry records of divorce, reported a bill to divorce certain persons therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The bill from the Senate to alter and amend an act securing to married women their separate estates, and for other purposes, approved March 1st, 1848, was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Adams moved to amend said bill as follows:

Strike out all after the enacting clause and insert, "that the act entitled an act securing to married women their separate estates, and for other purposes, approved March 1st, 1848, be and the same is hereby repealed."

On motion of

Mr. N. Davis, the further consideration of the bill was postponed until to-morrow at 7 o'clock, P. M., and made the special order for that hour.

The bills from the Senate:

For the relief of Mary Simmons, of Lowndes county:

To pay Uriah Dunn for moneys expended in apprehending and bringing to trial William Dunn, who was convicted of negro stealing:

Were severally read the second time, and the constitutional rule being suspended, were severally read the third time forthwith and passed.

The bill making appropriations for the years one thousand eight hundred and fifty and fifty-one, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. Cody introduced a bill in reference to the collection of

taxes in Marion county, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The bill from the Senate for the benefit of Josiah Terry, sheriff of Talladega county, was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

At five minutes past ten o'clock

Mr. Ryan moved to adjourn, upon which question

Mr. Adams demanded the yeas and nays. Said motion was lost. Yeas 23 ; nays 28.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Brasher, Camp, Chisolm, Crews, Corsbie, N. Davis, Edwards, Gardner, Goldsby, Heflin, W. Hendrix, A. Holly, J. H. King, McMullen, Reese, Rives, R. H. Smith, Storrs, Swanson, Watts and Wood—23.

Those who voted in the negative are, Messrs. Ashley, Austin, Bridges, Cain, Cody, Cooper, Creagh, Critcher, Goodman, Groce, Gunter, Hardwick, Hudson, Humphreys, James, Jemison, Kennedy, Lea, McCollum, Patton, Perkins, Perryman, Reynolds, Ryan, Thorn, Walker, Watkins and Whatley—28.

The bill incorporating the Alabama mining and manufacturing company, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

The bill for the relief of Enoch Latham, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

And the House adjourned.

WEDNESDAY, February 6, 1850.

The House met pursuant to adjournment.

Mr. Aldridge, from the committee on accounts, to whom were referred sundry accounts, reported a bill to pay certain claims against the State, which was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Storrs moved to amend the bill as follows :

To James H. Owen, for collecting stationery, inkstands, &c., belonging to the State, ten dollars.

Said amendment was adopted, and the rule being further suspended, the bill was read the third time forthwith and passed.

The hour of 10 o'clock having arrived, the House resumed the consideration of the special order, it being the bill appropriating a sum of money to build a new State capitol.

Mr. Goodman (by leave) withdrew the amendment offered by him on yesterday.

Mr. Watts moved to amend the substitute offered by Mr. Creagh as follows :

In the first section strike out "are you for or against an appropriation to rebuild the State house at Montgomery," and insert "are you for or against a removal of the seat of government to Tuskaloosa;" strike out "for or against appropriation," and insert "for or against removal." In the second section strike out "the sum of fifty thousand dollars is hereby appropriated," &c., down to the end of the section, and insert, "the seat of government shall be permanently at Tuskaloosa, and the governor shall have all the public records and State property removed there as soon thereafter as may be." In the third section strike out "an appropriation," and insert "against removal." After "appropriation," in second line, insert "the sum of fifty thousand dollars is hereby appropriated, to be applied as herein provided, to rebuilding the State house on the former site and on the foundation of the late capitol."

Mr. Humphreys moved to lay the amendment of Mr. Watts, the substitute of Mr. Creagh, and the original, bill upon the table, and demanded the yeas and nays.

Mr. Aldridge called for a division of the question, which was first taken on laying Mr. Watts' amendment on the table and carried. Yeas 48; nays 46.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Hatcher, W. Hendrix, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—48.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, L. L. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—46.

The House having heretofore refused to lay the substitute of Mr. Creagh on the table, the question was next taken on laying the bill upon the table and lost. Yeas 45; nays 50.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Heflin, M. Hendricks, A. Holly, Wm. Holly, Hudson, Humphreys, James, Kendrick, Kennedy, Jacob H. King, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives,

Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—45.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Baker, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Cooper, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Groce, Hatcher, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, M. A. King, Lea, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—50.

Mr. Wilson moved to suspend the further consideration of the bill, with a view of taking up the revenue bill ; upon which question,

Mr. Blevins demanded the yeas and nays.

Said motion prevailed. Yeas 50 ; nays 43.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, N. Davis, Franks, Gardner, Gazzam, Goodman, Gouder, Gunter, Hardwick, Hatcher, Heflin, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, Edwards, Gates, Goldsby, Groce, M. Hendricks, W. Hendrix, Irby, Jemison, M. A. King, Lea, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Williams, and Wright—43.

The House then proceeded to the consideration of the amendment of the Senate to the revenue bill.

Mr. Gardner demanded the yeas and nays on concurring in the amendment of the Senate, striking out twenty-five cents, and inserting twenty cents, as the tax on slaves under five years of age ; and the House refused to concur. Yeas 41 ; nays 42.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Benbow, Blevins, Boon, Brasher, Bridges, Chisolm, Creagh, Crews, A. R. Davis, Edwards, Franks, Gardner, Goodman, Gunter, Hatcher, Heflin, Hill, A. Holly, W. Holly, Hough, Irby, James, Kendrick, Kennedy, Ligon, McCall, McMullen, McLeod, Perryman, Quinn, Reese, Ryan, Swanson, Turner, Walker, Watts, Whatley, Williams, Wilson and Wood—41.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Cain, Camp, Cody, Cooper, Coupland, Critcher,

L. R. Davis, N. Davis, Gates, Gazzam, Groce, Hall, Hardwick, M. Hendricks, W. Hendrix, Hudson, Humphreys, Jemison, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Reynolds, Rives, Rowe, Skelton, Simmons, R. H. Smith, Storrs, Thorn, Wright and Young—42.

Mr. Jones demanded the yeas and nays on concurring in the amendment by which the Senate struck out fifteen cents, and inserted twenty cents, as the tax on merchandise; and the House concurred in said amendment. Yeas 49; nays 35.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Austin, Barrow, Boon, Cain, Cody, Conpland, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Humphreys, Kendrick, Kennedy, McCall, McCollum, McGuire, McMullen, Murphy, Neal, Perkins, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, Swanson, Turner, Wilson, Wood Wright and Young—49.

Those who voted in the negative are, Messrs. Speaker, Baker, Benbow, Blevins, Brasher, Bridges, Camp, Chisolm, Cooper, Critcher, Gardner, Gates, Gazzam, Gunter, W. Hendrix, A. Holly, W. Holly, Irby, James, Jemison, Jones, Lea, Ligon, Lockwood, McDonald, McLeod, Patton, Rives, R. H. Smith, Storrs, Walker, Watkins, Watts, Whatley and Williams—35.

Mr. Gates moved to amend the amendment by which the Senate struck out five dollars, and inserted twenty-five dollars, as the tax on circuses, feats of activity, and sleight of hand, by striking out twenty-five dollars, and inserting ten dollars.

Mr. Jones moved to lay said motion upon the table.

Pending which question,

The House adjourned.

AFTERNOON SESSION, February 6, 1850.

The House met pursuant to adjournment.

Leave of absence was granted to the principal clerk, on account of the sickness of his family.

Mr. N. Davis offered the following resolution, which was adopted:

Resolved, That the chairman of the committee on public printing be instructed to have four hundred copies of the tax bill printed, for the use of the House: *Provided*, He can have the same done prior to the adjournment of the legislature.

The bill for the relief of Daniel M. Riggs was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

The House then resumed the consideration of the revenue bill.

Mr. Jones (by leave) withdrew the motion to lay the motion of Mr. Gates upon the table.

The question recurred on the motion of Mr. Gates to strike out twenty-five dollars as the tax on circuses, feats of activity, and sleight of hand, and inserting ten dollars; upon which question, Mr. Blevins demanded the yeas and nays.

The motion was lost, and the amendment concurred in. Yeas 34; nays 47.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Blevins, Camp, Cooper, L. R. Davis, N. Davis, Gates, Gazzam, Goldsby, Gunter, Hatcher, M. Hendricks, W. Hendrix, Humphreys, Irby, Jemison, Jones, M. A. King, Lea, Lockwood, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, R. H. Smith, Storrs, Thorn, Turner, Walker, Whatley, Williams and Wood—34.

Those who voted in the negative are, Messrs. Adams, Ashley, Austin, Benbow, Boon, Brasher, Cain, Chisolm, Cody, Coupland, Creagh, Crews, Corsbie, A. R. Davis, Edwards, Franks, Gardner, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, A. Holly, Hough, Hudson, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McCollum, McDonald, McMullen, McLeod, Murphy, Perryman, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, Swanson, Wilson and Wright—47.

Mr. Goldsby demanded the yeas and nays on concurring in the amendment of the Senate, striking out "twenty-five dollars," and inserting "one hundred dollars," as the minimum tax on race tracks, and the amendment was not concurred in. Yeas 34; nays 51.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Brasher, Cain, Chisolm, Coupland, Crews, Corsbie, Edwards, Franks, Gardner, Goodman, Groce, Hardwick, A. Holly, Jemison, Kendrick, Kennedy, J. H. King, M. A. King, McCall, Patton, Quinn, Reynolds, Rowe, Ryan, Skelton, Storrs, Whatley, Wilson and Wright—34.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Blevins, Bridges, Camp, Cody, Cooper, Creagh, Critcher, A. R. Davis, L. R. Davis, N. Davis, Gates, Goldsby, Gonder, Gunter, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, Hough, Hudson, Humphreys, Irby, James, Jones, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Perkins, Perryman, Rather, Reese, Rives, Simmons, R. H. Smith, Swanson, Thorn, Turner, Walker, Watkins, Williams and Wood—51.

Mr. Boon moved to reconsider the vote by which the House concurred in the amendment of the Senate striking out "fifteen cents" and inserting "twenty cents," as the tax on merchandise, upon which question,

Mr. Wilson demanded the yeas and nays, and the motion prevailed. Yeas 51; nays 35.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cooper, Creagh, Gardner, Gates, Gazzam, Goldsby, Gonder, Hatcher, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Humphreys, James, Jemison, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McLeod, Neal, Patton, Perryman, Rather, Reese, Rives, Simmons, R. H. Smith, Stone, Storrs, Swanson, Thorn, Walker, Watts, Whatley and Williams—51.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Cody, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, Hudson, M. A. King, McCollum, McGuire, McMullen, Murphy, Pickett, Quinn, Reese, Reynolds, Rowe, Ryan, Skelton, Turner, Wilson, Wood and Wright—35.

The question recurred on concurring in the amendment of the Senate, in the tax upon merchandise, upon which question,

Mr. Wilson demanded the yeas and nays, and the House refused to concur in said amendment. Yeas 41; nays 42.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Cody, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Franks, Goodman, Groce, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Kendrick, Kennedy, McMullen, Murphy, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Rowe, Ryan, Simmons, Swanson, Thorn, Turner, Wilson, Wright and Young—41.

Those who voted in the negative are, Messrs. Speaker, Baker, Benbow, Blevins, Boon, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Creagh, Gardner, Gates, Gazzam, Goldsby, Gonder, Gunter, Hatcher, W. Hendrix, A. Holly, W. Holly, James, Jemison, Jones, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McLeod, Neal, Rives, R. H. Smith, Stone, Storrs, Watts, Whatley and Williams—42.

Mr. L. R. Davis demanded the yeas and nays on concurring in the amendment of the Senate, striking out the allowance of "fifty cents" to assessors and collectors calling on delinquent taxpayers, and inserting "twenty cents," and the House refused to concur in said amendments. Yeas 29; nays 48.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Cooper, A. R. Davis, Franks, Gates, Gazzam, Gonder, W. Holly, Hough, Jones, McDonald, McGuire, Patton, Perkins, Quinn, Rowe, Simmons, E. L. Smith, Swanson and Wilson—29.

Those who voted in the negative are, Messrs. Ashley, Baker, Boon, Coupland, Creagh, Crews, Corsbie, L. R. Davis, N. Da-

vis, Edwards, Gonder, Goldsby, Goodman, Groce, Gunter, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, A. Holly, Hudson, Humphreys, James, Jemison, Kendrick, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McMullen, Murphy, Neal, Perryman, Pickett, Rather, Reynolds, Ryan, Thorn, Turner, Walker, Watkins, Watts, Whatley, Williams and Wright—48.

A message from the Senate by Mr. Kidd:

Mr. Speaker: The Senate has adopted the following resolution:

Resolved, That the bill to incorporate the southern bank of Alabama be returned to the House of Representatives, respectfully requesting that the same may be engrossed, to enable the Senate to understand the purport of the amendments.

Which was concurred in.

The Senate has also originated and passed a joint resolution for the relief of Richard Benbow, of Pike county.

And the House adjourned.

THURSDAY, February 7, 1850.

The House met pursuant to adjournment.

On motion of

Mr. Wm. Hendrix, the call of the counties was suspended, with a view of taking from the message the bill from the Senate to dispose of the unappropriated portion of the two per cent. fund.

Said bill was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

The bill from the Senate to compensate John Lockhart for apprehending and prosecuting to conviction a criminal therein named, was read the second time, and the constitutional rule being suspended, the bill was read the third time forthwith, and passed.

Mr. Patton (by leave) introduced a bill to authorise the court of roads and revenue, in Lauderdale county, to appoint a county surveyor, additional to those now authorised by law in said county, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Austin (by leave) introduced a bill to legalise and confirm the sale of a tract of land therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Ryan (by leave) presented the petition of sundry citizens of Morgan county, which was referred to the committee on propositions and grievances.

Mr. Gazzam presented the account of John R. Rodgers, which was referred to the committee on accounts.

Mr. Hardwick moved to suspend the rule further, with a view

of taking up the bill from the Senate establishing courts of probate, and for other purposes, which motion prevailed, and the bill was read.

Mr. Gonder demanded the yeas and nays on ordering it to a second reading ; and the bill was so ordered. Yeas 68 ; nays 22.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Benbow, Blevins, Boon, Brasher, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Groce, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, W. Holly, Hough, Hudson, Humphreys, Irby, Jemison, Jones, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McGuire, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Reynolds, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Storrs, Thorn, Turner, Whatley, Williams, Wilson and Wright—68.

Those who voted in the negative are, Messrs. Baker, Barrow, Bridges, Chisolm, L. R. Davis, N. Davis, Gonder, Hall, Hatcher, James, Lea, McDonald, McMullen, Reese, Rives, R. H. Smith, Swanson, Walker, Watkins, Watts, Wood and Young—22.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate has passed the following resolution :

Resolved, That the House be respectfully requested to explain its action on the amendment of the Senate to the revenue bill.

Mr. Jemison moved to reconsider the vote by which the House refused to concur in the amendment of the Senate striking out “fifteen cents” and inserting “twenty cents” as the tax on merchandise ; upon which question Mr. Wilson demanded the yeas and nays, and the motion prevailed. Yeas 47 ; Nays 46.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Anstin, Barrow, Boon, Camp, Cody, Coupland, Critcher, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, Hill, Hough, Hudson, Humphreys, Jemison, Kendrick, Kennedy, M. A. King, McCall, McMullen, Murphy, Neal, Perryman, Pickett, Reese, Reynolds, Ryan, Skelton, Simmons, Stone, Swanson, Turner, Wilson, Wood, Wright and Young—47.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Benbow, Blevins, Brasher, Bridges, Cain, Chisolm, Cooper, Creagh, Crews, Corsbie, Gardner, Gates, Gazzam, Goldsby, Gunter, Hatcher, W. Hendrix, A. Holly, W. Holly, Irby, James, Jones, J. H. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McLeod, Patton, Perkins, Quinn, Rather, Rives, Rowe, E. L. Smith, Storrs, Thorn, Watkins, Watts, Whatley and Williams—46.

The question recurred on concurring in the amendment of the Senate striking out "fifteen cents" and inserting "twenty cents" as the tax on merchandise.

Mr. Speaker (Mr. N. Davis in the chair) demanded the yeas and nays on concurring in said amendment, and the House concurred. Yeas 57; Nays 35.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Barrow, Boon, Cody, Cooper, Coupland, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Goodman, Gonder, Groce, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, Hough, Hudson, Humphreys, Jemison, Kendrick, Kennedy, M. A. King, McCall, McMullen, Murphy, Neal, Patton, Perryman, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, Simmons, E. L. Smith, Stone, Swanson, Thorn, Turner, Whatley, Wilson, Wood, Wright and Young—57.

Those who voted in the negative are, Messrs. Speaker, Baker, Benbow, Brasher, Bridges, Cain, Camp, Chisolm, Creagh, Gardner, Gates, Gazzam, Goldsby, Gunter, Hatcher, A. Holly, W. Holly, Irby, James, Jones, J. H. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McLeod, Rives, Rowe, Storrs, Walker, Watkins, Watts and Williams—35.

Mr. Baker moved to suspend the special order, with a view of taking from the message the bill from the Senate "providing for building a State House at Montgomery, upon which question,

Mr. M. A. King demanded the yeas and nays and the motion prevailed, and the bill was read. Yeas 50; nays 45.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, Cooper, L. R. Davis, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cam, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hill, Hough, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—45.

Mr. Pickett demanded the yeas and nays on ordering the bill to the second reading, and the bill was so ordered. Yeas 50; nays 45.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, Cooper, L. R. Davis, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hough, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, Kendrick, Kennedy, J. H. King, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hill, Jemison, Jones, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams, Wilson and Wright—45.

The House then resumed the consideration of the substitute to the bill appropriating money to build a new State capitol.

Mr. Humphreys moved to amend the substitute, as follows :

Strike out "are you for or against an appropriation to rebuild the State House at Montgomery," in the first section, and insert "where are you in favor of locating the seat of government." Strike out also, "for or against appropriation, as he may answer," and insert "with the name of the place the voter may designate," strike out "and if it be found" in the ninth line to the word "capitol" in the fifteenth line, both inclusive ; of the second section, strike out "as aforesaid," in the second line of the third section ; strike out "as aforesaid," in the twelfth line of the third section ; strike out the fourth section.

SEC 5. *And be it further enacted*, That at the next session of the General Assembly, an appropriation shall be made to be paid towards the construction of a capitol, not to exceed one hundred thousand dollars.

Mr. Humphreys demanded the yeas and nays on the adoption of said amendment, and the amendment was adopted. Yeas 50; nays 44.

Those who voted in the affirmative are, Messrs. Speaker, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Edwards, Franks, Gardner, Gates, Gazzam, Goodman, Gonder, Gunter, Hall, Hardwick, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Kendrick, Kennedy, Ligon, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Ryan, Skelton, Simmons, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Austin,

Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Goldsby, Groce, Hatcher, W. Hendrix, Irby, Jemison, Jones, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—44.

Mr. Kennedy moved to reconsider the vote by which the House adopted the amendment offered by Mr. Humphreys, and said motion was lost.

The question recurred on the adoption of the substitute as amended.

Mr. L. R. Davis moved to amend the substitute by additional section, as follows :

And be it further enacted, 'That on the day of the election aforesaid, it shall be submitted to the voters of the State, whether or not they are in favor of the establishment by law, of a system of free banking, and those in favor of the same shall be required to endorse upon their tickets, the words, "free banking;" and those opposed to the same, shall be required to endorse upon their tickets, the words, "no free banking;" which said election shall be held, conducted and returned in the same manner as are the elections for judges; and until the result of said election is ascertained, it shall be unlawful for any bank which may be chartered by the present General Assembly, to be organised, or to go into operation; and in case a majority of the votes cast in said election shall be for "no bank," then it shall be unlawful for any bank which may be chartered by the present General Assembly, ever to be organised, or put in operation, or otherwise established.

Mr. Aldridge moved to lay said amendment upon the table; upon which question,

Mr. L. R. Davis demanded the yeas and nays, and the motion prevailed. Yeas 58; nays 33.

Those who voted in the affirmative are. Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cam. Camp, Cody, Cooper, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, M. Hendricks, W. Hendrix, Hill, Hough, Irby, Jemison, Jones, Kendrick, J. H. King, M. A. King, Lea, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Reynolds, Ryan, Skelton, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—58.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Gardner, Goodman, Gonder, Gunter, Hall, Heflin, A. Holly, Wm. Holly,

Hudson, James, Kennedy, Ligon, McCall, McMullen, McLeod, Perryman, Rives, Rowe, Simmons, Swanson, Walker, Watts, Wilson, Wood and Young—33.

Mr. Whatley moved to postpone the further consideration of the substitute until to-morrow at 10 o'clock, A. M.

Mr. Aldridge moved to lay said motion upon the table, and demanded the yeas and nays, and the motion prevailed. Yeas 49; nays 44.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Baker, Benbow, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, L. R. Davis, Edwards, Franks, Gardner, Groce, Hall, M. Hendricks, Hill, Hough, Humphreys, Irby, Jemison, Jones, Kennedy, McCollum, McDonald, McGuire, Murphy, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Walker, Watkins, Williams and Wright—49.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Barrow, Boon, Chisolm, Cooper, N. Davis, Gates, Gazzam, Goldsby, Goodman, Gonder, Gunter, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, James, Kendrick, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Turner, Watts, Whatley, Wilson, Wood, Young—44.

The question recurred on the adoption of the substitute as amended, upon which question Mr. Pickett demanded the yeas and nays, and the substitute as amended was adopted. Yeas 56; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Austin, Barrow, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Goldsby, Groce, Hardwick, M. Hendricks, Hill, Hough, Humphreys, Irby, Jemison, Jones, M. A. King, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams, Wilson and Wright—56.

Those who voted in the negative are, Messrs. Ashley, Baker, Benbow, Boon, Chisolm, L. R. Davis, Gardner, Goodman, Gonder, Gunter, Hall, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, James, Kendrick, Kennedy, J. H. King, Lea, Ligon, McCall, McMullen, McLeod, Perryman, Reese, Rives, Rowe, Skelton, Simmons, Swanson, Walker, Watts, Wood, Young—36.

Mr. Blevins moved to reconsider the vote by which the House adopted the substitute as amended, and demanded the yeas and nays.

Pending which question the House adjourned.

AFTERNOON SESSION, February 7, 1850.

The House met pursuant to adjournment.

Mr. Cooper moved to suspend the rule with a view of introducing a bill.

Mr. E. L. Smith, to suspend the rule further, with a view of taking up the message from the Senate.

Mr. Cooper introduced a bill providing for an election of the seat of justice of Cherokee county, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to a select committee to be composed of the delegation from the county of Cherokee.

Mr. Perkins introduced a bill for the relief of Edward F. Comegys, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to a select committee to be composed of the delegates from Tuska-loosa.

Mr. Kennedy introduced a bill to incorporate the East Alabama Masonic Institute, in Oak Bowery, Chambers county, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The House refused to concur in the amendment of the Senate to the bill making appropriations for the payment of certain claims against the State, allowing John C. Carson, jailor of Bibb county, the sum of ninety-seven dollars and twenty-five cents.

The House amended the amendment of the Senate to said bill allowing James W. Warren, of Madison county, the sum of one hundred and thirty-four dollars, by striking out Madison, and inserting Tuska-loosa, and concurred in the other amendments of the Senate to said bill.

Mr. Rather moved to suspend the special order with a view of taking from the message the bill from the Senate, authorising James Wise, of Morgan county, to invest certain moneys of his ward, Martha E. Johnson, in negro property.

Mr. Lea moved to amend said motion with a view of offering a resolution.

Mr. Rather called for a division of the question, which was first taken on the motion of Mr. Rather to suspend the special order, and carried.

The bill from the Senate to authorise James Wise, of Morgan county, to invest certain moneys of his ward, Martha E. Johnson, in negro property, was taken from the message and read, and the constitutional rule being suspended was read the second and third times forthwith and passed.

The memorial to the Congress of the United States in relation to the case of John Scott, was taken from the message and read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Lea offered the following resolution :

"Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly, That the resolution heretofore passed, which requires the Legislature to adjourn on the eleventh instant, be and the same is hereby rescinded.

And be it further resolved, That the two Houses will adjourn on Wednesday, the 13th inst."

Mr. Pickett moved to lay said resolution upon the table.

Mr. Jemison moved to postpone the consideration of said resolution until Monday, the 11th inst., upon which question,

Mr. Turner demanded the yeas and nays, and said motion was lost. Yeas 33; nays 55.

Those who voted in the affirmative are, Messrs. Ashley, Boon, Bridges, Cain, Camp, Chisolm, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Gates, Groce, Hardwick, A. Holly, Hough, Humphreys, Irby, Jemison, J. H. King, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Reynolds, Thorn, Whatley and Wright—33.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Baker, Benbow, Brasher, Cooper, L. R. Davis, Franks, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hatcher, Heflin, M. Hendricks, Wm. Hendrix, Hill, Wm. Holly, Hudson, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, Murphy, Patton, Perryman, Quinn, Rather, Reese, Rives, Rowe, Ryan, Skelton, Simmons, E. I. Smith, R. H. Smith, Stone, Swanson, Turner, Walker, Watkins, Watts, Williams, Wood and Young—55.

Mr. R. H. Smith moved to postpone the consideration of said resolution until to-morrow.

Mr. M. A. King moved to postpone to Saturday next, 10 o'clock, A. M., and that it be made the special order for that hour, upon which question

Mr. Turner demanded the yeas and nays, and the motion was lost. Yeas 40; nays 47.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Benbow, Brasher, Bridges, Cain, Camp, Chisolm, Cody, Coupland, Critcher, Corsbie, A. R. Davis, N. Davis, Gates, Gazzam, Groce, Hardwick, M. Hendricks, Hough, Humphreys, Irby, Jemison, J. H. King, M. A. King, McCollum, McGuire, McLeod, Neal, Perkins, Pickett, Reynolds, R. H. Smith, Stone, Thorn, Watkins, Whatley and Wright—40.

Those who voted in the negative are, Messrs. Baker, Boon, Cooper, Crews, L. R. Davis, Franks, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hatcher, Heflin, W. Hendrix, Hill, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, Murphy, Patton, Perryman, Quinn,

Rather, Reese, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Swanson, Turner, Walker, Watts, Williams, Wilson, Wood and Young—47.

The question recurred on laying the resolutions offered by Mr. Lea on the table ; upon which question,

Mr. Crews demanded the yeas and nays.

Said motion was lost. Yeas 34 ; nays 53.

Those who voted in the affirmative are, Messrs. Austin, Boon, Bridges, Camp, Chisolm, Coleman, Coupland, Crews, Critcher, A. R. Davis, Franks, Gates, Groce, Hardwick, A. Holly, Hough, Humphreys, Irby, Jemison, J. H. King, M. A. King, McCollum, McGuire, Neal, Perkins, Pickett, Quinn, Reynolds, R. H. Smith, Thorn, Whatley, Williams, Wright and Young—34.

Those who voted in the negative are, Messrs. Adams, Aldridge, Baker, Benbow, Brasher, Cain, Cody, L. R. Davis, N. Davis, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hatcher, Heflin, M. Hendricks, Wm. Hendrix, Hill, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, Stone, Swanson, Turner, Walker, Watkins, Watts, Wilson and Wood—53.

Mr. Bridges moved to postpone said resolutions until to-morrow at 3 o'clock, P. M. ; upon which question,

Mr. Pickett demanded the yeas and nays.

Said motion was lost. Yeas 12 ; nays 72.

Those who voted in the affirmative are, Messrs. Camp, Corsbie, Gazzam, Humphreys, Irby, M. A. King, McCollum, Neal, Perkins, Pickett, Whatley and Young—12.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Brasher, Cain, Cody, Cooper, Coupland, Creagh, Crews, A. R. Davis, L. R. Davis, N. Davis, Franks, Gardner, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Murphy, Patton, Perryman, Quinn, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Skelton, Simmons, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Watts, Williams, Wilson, Wood and Wright—72.

The question recurred upon the adoption of the resolution, upon which question,

Mr. Neal demanded the yeas and nays, and the resolution was adopted. Yeas 44 ; nays 41.

Those who voted in the affirmative are, Messrs. Benbow,

Blevins, Brasher, Cooper, A. R. Davis, Gardner, Gazzam, Goldsby, Goodman, Gonder, Hall, Hatcher, Heflin, M. Hendricks, W. Hendrix, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Ryan, Skelton, Simmons, E. L. Smith, Stone, Swanson, Walker, Watkins, Watts, Wood and Young—44.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Baker, Boon, Cain, Camp, Cody, Coupland, Creagh, Crews, Critcher, Corsbie, L. R. Davis, N. Davis, Franks, Groce, Hardwick, Hill, Alfred Holly, Hough, Humphreys, Irby, J. H. King, M. A. King, McCollum, McDonald, Neal, Perkins, Pickett, Quinn, Reynolds, R. H. Smith, Storrs, Thorn, Turner, Whatley, Williams, Wilson and Wright—41.

And the House adjourned.

NIGHT SESSION, February 7th, 1850.

The House met pursuant to adjournment.

The bills from the Senate :

To incorporate the Limestone county turnpike company :

To prevent the seizure and sale of the persons of slaves to satisfy debts against persons to whom they may be bound for a limited time :

To explain and modify the act entitled an act to regulate permanently the sixteenth section fund :

Authorising persons wishing to adopt any child or children to alter or change their names, and to make them capable of inheriting his or her estate :

Supplementary to an act providing for a code of the statutes of Alabama and for the preparation of a code of practice in the courts of this State, passed at the present session of the General Assembly :

To refund a sum of money to — Goodwin, widow of Wm. M. Goodwin, deceased, of Pickens county :

To provide for the taking the census of the State of Alabama for the year 1850 :

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

The bill from the Senate to authorise the State treasurer to purchase an iron safe, was read the second time.

Mr. Watts moved to amend said bill as follows :

And be it further enacted, That the treasurer, with the assent of the sureties on his official bond, be authorised to deposit the State's funds in the branch bank at Montgomery, and that noth-

ing in this section contained shall release him or his securities on his official bond from any liability now imposed by law.

Said amendment was adopted, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

The bills from the Senate :

To authorise the sale of the estate of deceased persons :

To regulate the weighing of cotton in this State :

Were severally read the second time and ordered to a third reading.

The joint resolutions from the Senate concerning the deposit of public arms, and for other purposes, were read the second time and ordered to a third reading.

The bills from the Senate :

To amend the laws relating to the bank of Mobile :

To incorporate the Grand and subordinate Divisions of the order of the Sons of Temperance of the State of Alabama :

To change the time of holding the circuit court in the second judicial circuit :

Were severally read the second time and laid upon the table.

The House concurred in the amendment of the Senate to the bill prescribing the mode of electing and defining the duties of tax assessors and collectors.

A bill abolishing and establishing certain election precincts, was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

The House concurred in the bill from the Senate to more effectually suppress the evil practice of trading with slaves, and the bill was read the second time and ordered to a third reading.

And the House adjourned.

FRIDAY, February 8, 1850.

The House met pursuant to adjournment.

Mr. Hall moved to suspend the call of the counties with a view of taking up the general orders, which motion was lost.

Bills were introduced by :

Mr. McMullen, to repeal an act approved January 15th, 1848 :

Mr. Blevins, to incorporate the Selma manufacturing company :

Mr. Blevins, to change the name of C. L. Drew :

Mr. Edwards, to authorise the clerk and sheriff of St. Clair county to receive State witness' tickets in payment of fines and forfeitures.

Said bills were severally read, and the constitutional rule being suspended, they were severally read the second and third times forthwith and passed.

Mr. L. R. Davis introduced a bill to amend the charter of the central plank road company, which was read, and the constitu-

tional rule being suspended, it was read the second time forthwith and ordered to be engrossed for a third reading.

Mr. McLeod introduced a bill for the relief of Jesse T. Reeves, which was read and ordered to a second reading.

Mr. Storrs introduced a bill to prevent owners or holders of saw mills from throwing slabs or permitting them to fall into the water, which was read.

On motion of

Mr. Jemison, said bill was laid on the table.

Mr. W. Holly presented the petition of L. T. Carter, which was referred to the committee on propositions and grievances.

Mr. Perkins moved to suspend the special order with a view of continuing the call of the counties, which motion prevailed.

Mr. McGuire introduced a bill to authorise F. S. Lyon, commissioner and trustee, to settle a certain claim therein named, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Jones, from the committee on the judiciary, to whom was referred the petition of James Malone and others, of Mobile county, reported a bill for the better protection of neat cattle in Mobile county, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. N. Davis moved to suspend the special order with a view of taking up the revenue bill, which motion prevailed.

Mr. Pickett moved to recede from the first amendment of the Senate to said bill striking out "twenty-five cents" and inserting "twenty cents" as the tax on negroes under five years of age, which motion prevailed.

Mr. Jones moved to recede from the second amendment of the Senate to said bill providing that corporations shall be exempt from tax on paying a tax on their property equal in value to the amount of the capital, which motion prevailed.

Mr. N. Davis moved to recede from the third amendment of the Senate to said bill striking out "one dollar" as tax on gross income of commission merchants, factors and auctioneers, and inserting "fifty cents," which motion prevailed.

Mr. Jones, from the committee on the judiciary, to whom was referred the bill altering and amending the law in relation to gaming tables, reported the same back, which was read the second time.

Mr. Baker moved to amend said bill as follows:

Provided that prosecutions now pending for any of the above stated offences shall not in any wise be affected by this act.

Which was adopted, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. Jones, from the same committee, to whom was referred the bill to regulate in part the estates of deceased persons, reported adversely thereto, which was concurred in.

Mr. Jones, from the same committee, to whom was referred the bill to diminish frivolous prosecutions, reported adversely thereto.

Mr. Perkins moved to lay the report on the table.

Mr. Humphreys moved to lay the bill on the table.

Mr. Aldridge called for a division of the question, which was first taken on laying the report upon the table, upon which question,

Mr. Perkins demanded the yeas and nays, and the motion was lost. Yeas 26 ; nays 56.

Those who voted in the affirmative are, Messrs. Speaker, Blevius, Cody, Coupland, Creagh, Crews, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, W. Hendrix, Humphreys, Jones, Kennedy, M. A. King, Lea, Lockwood, McDonald, Rowe, E. L. Smith, R. H. Smith, Watts, Williams and Wilson—26.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Baker, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Critcher, A. R. Davis, L. R. Davis, Edwards, Gardner, Gonder, Groce, Gunter, Hall, Hardwick, Heflin, Hill, A. Holly, W. Holly, Hough, Hudson, James, Kendrick, J. H. King, Ligon, McCall, McCollum, McGuire, McMullen, Neal, Patton, Perkins, Perryman, Quinn, Reese, Reynolds, Rives, Ryan, Skelton, Simmons, Storrs, Swanson, Thorn, Turner, Walker, Williams, Whatley, Wood, Wright and Young—56.

The question was then taken on laying the bill upon the table, and lost.

The question then recurred on ordering the bill to be engrossed for the third reading, and the bill was so ordered.

Mr. Nathaniel Davis offered the following resolution, which was adopted :

Resolved, That the chairman of the committee on public printing be authorised to have printed 133 copies of the revenue bill of the Senate.

Mr. Jones, from the committee on the judiciary, to whom was referred so much of the Governor's message as relates to reporting and publishing the reports of the decisions of the supreme court, reported that inasmuch as a bill from the Senate on that subject is before the House, and no other legislation is deemed necessary on the subject, and ask to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged accordingly.

Mr. Humphreys, from the committee on the State Bank and branches, to whom was referred the petition of John Silsby, reported a bill to authorise the commissioner and trustee of the State

Bank and branches to pay a certain sum of money, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Aldridge, from the committee on accounts, to whom were referred sundry accounts, reported a bill making appropriations to pay certain claims against the State, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Aldridge, from the same committee, to whom were referred sundry accounts, reported adversely thereto and asked to be discharged from the further consideration of the subject. The report was concurred in, and the committee discharged accordingly.

Mr. Blevins, from the committee on corporations, to whom was referred the bill to amend the charter of the city insurance company of Mobile, reported the same back, and the bill was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Rives, from the committee on the State capitol, to whom were referred the accounts of sundry persons, reported a bill to authorise the comptroller to issue his warrant. &c., which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Rives, from the same committee, to whom was referred the resolution requesting them to enquire into the expense consequent on the burning of the State House, reported the same back, and asked to be discharged from the further consideration of the subject. The report was concurred in and the committee discharged accordingly.

On motion of

Mr. R. H. Smith, the resolution was referred to a select committee.

Mr. Hardwick moved to suspend the special order with the view of taking up the bill establishing courts of probate, and for other purposes.

Mr. Williams moved to amend said motion with the view of taking up the messages from the Senate.

Mr. Hardwick called for a division of the question, which was first taken on the motion of Mr. Hardwick to suspend the special order to take up the probate bill.

Said motion prevailed.

The bill from the Senate establishing courts of probate, and for other purposes, was read the second time.

Mr. Jones moved the indefinite postponement of said bill, and demanded the yeas and nays, which motion was lost. Yeas 24; nays 49.

Those who voted in the affirmative are, Messrs. Blevins,

Camp, A. R. Davis, L. R. Davis, N. Davis, Gates, Gazzam, Hall, Hatcher, Wm. Hendrix, Hough, Jones, Lea, McDonald, McGuire, Perkins, Pickett, Quinn, R. H. Smith, Swanson, Walker, Watkins, Williams and Wood—24.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Benbow, Boon, Cain, Chisolm, Cody, Cooper, Coupland, Critcher, Franks, Gardner, Goodman, Groce, Hardwick, Heflin, A. Holly, W. Holly, Hudson, Irby, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, McCall, McCollum, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Rather, Reynolds, Rowe, Ryan, Simmons, E. L. Smith, Stone, Thorn, Turner, Whatley, Wilson, Wright and Young—49.

Mr. Hardwick moved to amend the seventh section of said bill by filling the blank in the second line with the word first, which was adopted.

Mr. McGuire moved to amend the twenty-fourth section of said bill, as follows :

To be paid out of such estate.

On motion of

Mr. Stone, said amendment was laid upon the table.

Mr. Gazzam moved to amend the twenty-fourth section, as follows :

And that the charge for advertising may be taxed on the cost in the probate office.

Which motion was lost.

Mr. Gunter moved to amend the bill by striking out the twenty-fifth section, which motion was lost.

Mr. McGuire moved to amend the thirty-second section, as follows :

For examining, stating, and reporting the accounts of executors, administrators, or guardians, for settlement, entering orders, setting a day for hearing and settlement, appointing guardian *ad litem*, and issuing copy for publication, two dollars ; for examining vouchers on settlement, each five cents ; for entering all orders in relation to insolvent estates, or any other order not herein specially provided for, (except orders of continuance,) twenty-five cents ; for entering orders of continuance, each, ten cents.

On motion of

Mr. Cooper, said amendment was laid upon the table.

Mr. Cooper moved to amend the thirty-eighth section by filling the first blank in the fourth line, with the word first, and the second blank in the same line, with the word March.

Which was adopted.

Mr. Lockwood moved to amend the bill as follows :

Strike out all the section after " forty-first section," and insert :

Be it further enacted, That the same jurisdiction and system

of practice which the county courts of this State now possess, (except the jurisdiction conferred by this act on the probate court,) be and the same is hereby conferred on the criminal court of Mobile county.

Be it further enacted, That the judge of the criminal court of Mobile county shall receive the sum of five hundred dollars in addition to the salary now allowed him, payable at the like times, and from the same sources as now provided by law.

Which was adopted.

Mr. Ligon moved to amend the bill by inserting after the word cases, in the fifth line of the thirtieth section, as follows :

But such chancery courts shall correct no errors of law or fact, not appearing of record, except upon such allegation and proof as show that the same occurred without any fraud, accident, or neglect on the part of complainant or his attorney.

Which was adopted.

Mr. McGuire moved to amend the bill as follows :

And be it further enacted, That the provisions of this act shall not apply to the counties of Tuscaloosa and Greene.

Mr. Hall moved to amend said amendment by adding the county of Autauga, which was lost.

The question recurred on the adoption of the amendment offered by Mr. McGuire, which was lost.

Mr. Jones moved to amend the bill by way of additional section, to come in after the twentieth section, as follows :

SEC. — *Be it further enacted,* That all executions which may be issued upon judgments and decrees of probate courts, (or of the orphans' court,) shall be made returnable to some succeeding term of the probate court not less than three, nor more than six months from the test of the execution.

Which was adopted.

Mr. Speaker (Mr. Baker in the chair,) moved to amend the bill by way of additional section, to come in at the end of the bill, as follows :

Be it further enacted, That sheriffs and other officers shall be liable to the same proceedings by summary notice for failures to execute or return process, or for failing to collect or pay over, as heretofore existed under former laws.

Which was adopted.

Mr. Ryan moved to amend the eighth section by inserting, and trustees of trust estates, after the word orphans' in the seventh line.

Which was lost.

Mr. Cooper moved to suspend the constitutional rule, with the view of giving the bill the third reading forthwith ; upon which question,

Mr. Hall demanded the yeas and nays, and the motion prevailed. Yeas 56; nays 12.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Benbow, Boon, Cain, Camp, Chisolm, Cooper, Coupland, Critcher, A. R. Davis, Edwards, Franks, Gardner, Gates, Goodman, Groce, Hardwick, Hatcher, Heflin, M. Hendricks, A. Holly, Hough, Hudson, Humphreys, Irby, Kennedy, J. H. King, M. A. King, Ligon, Lockwood, McCall, McCollum, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Pickett, Rives, Rowe, Ryan, Skelton, Simmons, Stone, Turner, Watts, Whatley, Williams, Wilson, Wright and Young—56.

Those who voted in the negative are, Messrs. Baker, Brasher, Cody, Hall, W. Hendrix, McDonald, McGuire, Quinn, Reese, Swanson, Walker and Wood—12.

The question recurred on the passage of the bill; upon which question,

Mr. Hall demanded the yeas and nays, and the bill passed. Yeas 47; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Chisolm, Cooper, Coupland, Critcher, Corsbie, Edwards, Franks, Gardner, Goodman, Groce, Hardwick, Heflin, M. Hendricks, Hudson, Humphreys, Irby, Kendrick, Kennedy, J. H. King, M. A. King, Ligon, McCall, McCollum, McMullen, McLeod, Murphy, Neal, Patton, Perryman, Rowe, Ryan, Skelton, Simmons, Stone, Storrs, Whatley, Wilson, Wright and Young—47.

Those who voted in the negative are, Messrs. Baker, Blevins, Brasher, Cain, Camp, Cody, A. R. Davis, L. R. Davis, N. Davis, Gates, Gazzam, Gonder, Hall, Hatcher, Wm. Hendrix, Hough, Jemison, Jones, Lea, Lockwood, McDonald, McGuire, Pickett, Quinn, Rather, Reese, Rives, R. H. Smith, Swanson, Thorn, Turner, Walker, Watkins, Watts, Williams and Wood—36.

Mr. Jemison moved the indefinite postponement of the bill to refer the appropriation to rebuild the capitol at Montgomery, to the people, and for other purposes, which motion prevailed.

Mr. Jemison moved further to suspend the special order, with the view of taking from the messages the bill from the Senate to authorise and regulate the business of banking.

Pending which question,

The House adjourned.

AFTERNOON SESSION, February 8, 1850.

The House met pursuant to adjournment.

Mr. Cooper moved to reconsider the vote by which the House, on this morning, passed the bill establishing courts of probate, and for other purposes, which motion was lost.

Mr. Jemison moved to suspend the special order, for the special purpose of taking from the messages the bill from the Senate for the relief of William Porter of Benton county, which was read, and the constitutional rule being suspended, was read the second time forthwith, and referred to a select committee to be composed of the delegation from Benton county, with instructions to report to-morrow morning, at the hour of 10 o'clock, A. M.

On motion of Mr. N. Davis, Mr. Jemison was added to said committee.

The House then resumed the consideration of the motion of

Mr. Jemison, to take from the messages the bill from the Senate to authorise and regulate the business of banking, which motion prevailed, and the bill was read, and the constitutional rule being suspended, was read the second time forthwith.

Mr. Humphreys moved to amend said bill by striking out "by bill in chancery" after the word "law" in the last line of the fifteenth section.

Mr. Baker moved to lay said bill upon the table, upon which question

Mr. Blevins demanded the yeas and nays. Said motion was lost. Yeas 41; nays 44.

Those who voted in the affirmative are, Messrs. Aldridge, Austin, Baker, Barrow, Boon, Camp, Chisolm, Coupland, Crews, L. R. Davis, N. Davis, Edwards, Franks, Gonder, Groce, Hall, Hardwick, W. Hendrix, Hill, W. Holly, Humphreys, Irby, James, Kendrick, J. H. King, McCall, McLeod, Murphy, Perryman, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, R. H. Smith, Swanson, Thorn, Whatley, Wilson and Wood—41.

Those who voted in the negative are, Messrs. Speaker, Adams, Ashley, Benbow, Blevins, Brasher, Cain, Cody, Cooper, Critcher, Corsbie, A. R. Davis, Gardner, Gates, Goldsby, Goodman, Gunter, Heflin, Hough, Hudson, Jemison, Jones, M. A. King, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McMullen, Neal, Patton, Perkins, Pickett, Quinn, Rather, Rives, E. L. Smith, Stone, Storrs, Walker, Watkins, Watts and Wright—44.

The question recurred on the adoption of the amendment offered by Mr. Humphreys, which was lost.

Mr. Jones moved to amend the eighteenth by adding, within twelve months after the notice then given, which was adopted.

Mr. Jones moved further to amend said bill by inserting after the word county, in the fourteenth line of the twenty-first section, or probate court, which was adopted.

Mr. Jones moved further to amend the bill by inserting after the word "January," in the 24th section, the word "April," which was adopted.

Mr. Jones moved further to amend the bill by inserting after

the word "Court," in the 6th line of the 30th section, the words "or office of the probate court," which amendment was adopted.

Mr. Humphreys moved to amend said bill by striking out of the 29th section the words "not including the difference of exchange," which motion was lost.

Mr. Patton moved to reconsider the vote by which the House adopted the amendment offered by Mr. Jones, inserting the word "April" in the 24th section, which motion prevailed.

Mr. Patton moved to amend the bill by striking out the word "April," in the 24th section, which was adopted.

Mr. Gates moved to amend said bill by striking out the word "October," in the 24th section, which was adopted.

Mr. Jones moved to amend said bill by way of additional section, to be inserted after the 12th section, as follows:

Sec. —. *And be it further enacted*, That if any judgment or decree shall be rendered against any such association, and a writ of execution shall be issued thereon, and returned "no property found," a writ of *scire facias* may be issued on such judgment or decree against any one or more of the shareholders of such association, or his executors or administrators requiring him or them, at the next term of the court after the issuance thereof, provided such writ shall have been served fifteen days, to show cause why execution of such judgment should not be had of his or their lands, tenements, goods and chattels, or effects, and the court, at such term, shall proceed to render judgment in the premises according to law.

Which was adopted.

The question recurred on ordering said bill to the third reading, pending which question

The House adjourned.

NIGHT SESSION, February 8, 1850.

The House met pursuant to adjournment,

And resumed the consideration of the bill from the Senate to authorise and regulate the business of banking.

The question recurred on ordering said bill to the third reading on to-morrow; upon which question Mr. M. A. King demanded the yeas and nays, and the House refused to order the bill to the third reading. Yeas 35; nays 47.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Brasher, Cain, Cooper, Critcher, A. R. Davis, Gardner, Gates, Gazzam, Goodman, Gunter, W. Hendrix, Hough, Hudson, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McGuire, McMullen, Pickett, Quinn, Rather, Rives, E. L. Smith, Stone, Walker, Watts, Wright—35.

Those who voted in the negative are, Messrs. Aldridge, Austin, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, Cody, Coup-

land, Crews, N. Davis, Edwards, Franks, Gonder, Groce, Hardwick, Hatcher, Heflin, Hill, A. Holly, Humphreys, Irby, James, Kendrick, J. H. King, McCall, McDonald, McLeod, Murphy, Patton, Perryman, Reese, Reynolds, Rowe, Ryan, Skelton, Simmons, R. H. Smith, Storrs, Swanson, Thorn, Turner, Watkins, Whatley, Wilson and Wood—47.

Mr. Stone moved to adjourn, upon which question

Mr. James demanded the yeas and nays, and the motion was lost. Yeas 39; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Barrow, Benbow, Boon, Brasher, Cain, Critcher, A. R. Davis, Gardner, Gates, Gazzam, Goodman, Hough, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, McMullen, Murphy, Patton, Pickett, Rather, Rowe, Simmons, E. L. Smith, Stone, Turner, Walker, Watkins and Wright—39.

Those who voted in the negative are, Messrs. Aldridge, Austin, Baker, Bridges, Chisolm, Cody, Cooper, Coupland, Crews, N. Davis, Edwards, Franks, Gonder, Groce, Gunter, Hardwick, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, J. H. King, McDonald, McLeod, Perryman, Quinn, Reese, Reynolds, Ryan, Skelton, R. H. Smith, Storrs, Swanson, Thorn, Watts, Whatley, Wilson and Wood—42.

Mr. N. Davis moved to reconsider the vote by which the House refused to order to the third reading the bill from the Senate to authorise and regulate the business of banking, which motion (by leave) was withdrawn.

On motion of Mr. Bridges,

The House adjourned.

SATURDAY, February 9, 1850.

The House met pursuant to adjournment.

The following Representatives obtained leave to record their votes on the passage of the bill establishing courts of probate, and for other purposes:

Messrs. Bridges, Hall, L. R. Davis, R. H. Smith and Hill, voted nay.

The following Representatives obtained leave to record their votes on the vote by which the House refused to order to the third reading the bill from the Senate to authorise and regulate the business of banking:

Messrs. Blevins, Corsbie, M. Hendricks, Neal, Perkins and Young, voted yea.

Mr. Jemison, from the select committee to whom was referred the bill from the Senate for the relief of William Porter and Benjamin Porter, reported a substitute therefor, which was adopt-

ed, and the bill was read the second time, and the constitutional rule being suspended, was read the third time forthwith and passed.

Mr. Groce moved to reconsider the vote by which the House refused to order to the third reading the bill from the Senate to authorise and regulate the business of banking; upon which question Mr. N. Davis demanded the yeas and nays. Said motion prevailed. Yeas 53; nays 36.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Benbow, Blevins, Brasber, Cain, Cooper, Critcher, Corsbie, A. R. Davis, L. R. Davis, Gardner, Gates, Gaz-zam, Goldsby, Goodman, Gunter, Hatcher, Heflin, M. Hendricks, W. Hendrix, W. Holly, Hough, Hudson, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Rives, Simmons, E. L. Smith, Stone, Turner, Walker, Watts, Williams, Wright and Young—53.

Those who voted in the negative are, Messrs. Aldridge, Austin, Baker, Barrow, Boon, Bridges, Camp, Chisolm, Cody, Coupland, Crews, N. Davis, Edwards, Franks, Gonder, Groce, Hall, Hardwick, Hill, Humphreys, Irby, James, J. H. King, McLeod, Murphy, Perryman, Reynolds, Rowe, Ryan, Skelton, R. H. Smith, Swanson, Thorn, Watkins, Whatley, Wilson and Wood—36.

Mr. Hardwick moved to suspend the consideration of the special order, with the view of making a report, which motion prevailed.

Mr. Hardwick, from the select committee to whom was referred the bill providing for an election of the seat of justice in the county of Cherokee, reported the same back with amendments, which were concurred in, and the constitutional rule being suspended, the bill was read the third time forthwith and passed.

Mr. Boon moved further to suspend the special order, with the view of introducing a bill, which motion prevailed.

Mr. Boon introduced a bill for the relief of Edmund Black, which was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Watts moved the further suspension of the special order, with the view of taking from the orders the bill from the Senate to make an appropriation to rebuild the State capitol at Montgomery.

Mr. Goodman moved to amend said motion, with a view of taking from the orders the bill from the Senate to incorporate the southern bank of Alabama.

Mr. Patton moved further to amend said motion, with the view of taking from the orders the bill to authorise and regulate the business of banking.

Mr. M. A. King moved to lay said motion upon the table.

Mr. Jemison called for a division of the question and demanded the yeas and nays, which were first taken on the motion of Mr. Watts to suspend the special order, with the view of taking from the orders the bill from the Senate making an appropriation to rebuild the capitol at Montgomery, which motion prevailed. Yeas 54 ; nays 38.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, Crews, L. R. Davis, Franks, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Skelton, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—54.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Critcher, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Groce, Hill, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—38.

The question recurred on the motion of Mr. Goodman further to suspend the special order to take from the orders the bill from the Senate to incorporate the southern bank of Alabama, which motion prevailed.

The question then recurred upon the motion of Mr. Patton to amend the motion of Mr. Watts to suspend further, with the view of taking from the orders the bill to authorise and regulate the business of banking, which motion prevailed.

The bill from the Senate making an appropriation to rebuild the capitol at Montgomery, was taken from the orders and read the second time.

Mr. Crews moved the indefinite postponement of the bill, and demanded the yeas and nays, which motion was lost. Yeas 44 ; nays 50.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hill, Hough, Humphreys, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams, Wilson and Wright—44.

Those who voted in the negative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis,

Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Irby. James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood, Young—50.

Mr. Gates moved to amend said bill by way of substitute, as follows :

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifty thousand dollars be and the same is hereby appropriated, for the building of a capitol for the State of Alabama, to be paid out of any funds in the treasury not otherwise appropriated in such manner and upon such conditions as are hereinafter provided.

SEC. 2. *Be it further enacted,* That at the first election holden for the election of judges of the circuit court under the late amendments of the constitution, the sheriff and other officers holding said election at the several election precincts throughout the State shall propound to each voter as he shall hand in his ballot the question, "are you in favor of rebuilding the capitol at Montgomery?" and shall endorse on the ballot for or against, according as the voter may answer ; and said sheriff or other officer shall make return of the votes thus given to the Secretary of State within thirty days after said election.

SEC. 3. *Be it further enacted,* That within ninety days after the election holden as aforesaid, or sooner if all the returns of the votes "for and against" rebuilding the capitol at Montgomery as aforesaid be made, (or which the Secretary of State shall inform the governor,) said returns shall be opened and counted in the presence of the governor, Secretary of State and comptroller of public accounts, and if it be found that a majority of votes have been cast for rebuilding at Montgomery, then and in that event there shall, for the purpose of making the contract and performing such other acts as may be necessary for rebuilding the State house, be formed a board of commissioners, to consist of the governor and six other members, to be appointed by him, whose duty it shall be, without unnecessary delay, to let out the building of a State house, to be built agreeable to such specifications as they may prescribe, and they shall have full power to employ an architect and such other agents as they may find necessary to the execution of their powers ; and such architect and agents shall receive a compensation to be fixed and agreed upon by the board of commissioners. A majority of said board shall constitute a quorum to do business, and may appoint any three of their body as a building or visiting committee, whose

duty it shall be to superintend the erection of the State house as contemplated. The governor shall *ex officio* be president of the board of commissioners; but if absent, those present may name a president *pro tem*. A meeting of the board may be called ~~by~~ by the president or the building or visiting committee, or any other three members.

SEC. 4. *And be it further enacted*, That the amount herein appropriated (if a majority of votes given be in favor of an appropriation, as herein before expressed) shall be paid out of any funds in the treasury not otherwise appropriated, and shall be paid to the warrant of the comptroller of public accounts, issued upon the order of the president of the board of commissioners.

Mr. L. R. Davis moved to lay said substitute on the table.

Mr. Stone moved to lay the bill upon the table.

Mr. Hardwick called for a division of the question, which was first taken upon the motion of Mr. L. R. Davis to lay the substitute on the table, upon which question Mr. M. A. King demanded the yeas and nays, and the motion prevailed. Yeas 50; nays 42.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Blevins, Boon, Chisolm, L. R. Davis, Franks, Gardner, Gazzam, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—50.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Groce, Hill, Hough, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—42.

Then on the motion of Mr. Stone to lay the bill upon the table, upon which question Mr. Stone demanded the yeas and nays, and the motion was lost. Yeas 42; nays 50.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hill, Hough, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams, Wilson and Wright—42.

Those who voted in the negative are, Messrs. Speaker, Ashley,

Baker, Barrow, Benbow, Boon, Bridges, Chisolm, L. R. Davis, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—50.

Mr. Ryan moved to amend the bill by striking out sixty, and inserting fifty.

Mr. Baker moved to lay said amendment on the table ; upon which question,

Mr. Ryan demanded the yeas and nays, and the motion prevailed. Yeas 50 ; nays 40.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Gardner, Gazzam, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, Wm. Holly, Hudson, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Critcher, Corbie, A. R. Davis, Edwards, Franks, Gates, Goldsby, Groce, Hill, Hough, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Wilson and Wright—40.

Mr. Jemison moved to amend said bill by way of additional section, as follows :

SEC. —. *And be it further enacted*, That the commissioners herein appointed, and all architects and superintendents employed by them, shall take and subscribe an oath that they will not be directly or indirectly interested in any contract for work or material, to be done or furnished for the State house, as herein prescribed.

Mr. L. R. Davis moved to lay said amendment on the table, upon which question

Mr. Austin demanded the yeas and nays, and the motion prevailed. Yeas 50 ; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, L. R. Davis, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly,

Wm. Holly, Hudson, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood, Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Goldsby, Groce, Hough, Humphreys, Irby, Jemison, J. H. King, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—42.

Mr. Stone moved to amend the bill by substitute as follows :

SEC. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That at the first election holden for the election of judges of the circuit courts under the late amendments to the constitution of the State, the sheriff and other officers holding elections at the several precincts throughout the State shall propound to each voter as he hands in his ticket the question, "where are you in favor of locating the seat of government?" and shall endorse the ticket of each voter with the name of the place the voter may designate; and said sheriff and other officers shall make return of the votes thus given to the Secretary of State within thirty days after the election.

SEC. 2. *And be it further enacted,* That within ninety days after the election holden as aforesaid, or sooner if full returns of the vote be made, (of which the Secretary of State shall inform the governor) said returns shall be received and counted in presence of the governor, Secretary of State, treasurer and comptroller of public accounts.

SEC. 3. *And be it further enacted,* That in case there be a majority of votes in favor of locating the seat of government at any particular place in this State, then there shall, for the purpose of making the contracts, and performing such other acts as may be necessary for rebuilding the State house at such locality as may receive a majority of votes given, be formed a board of commissioners, to consist of the governor and six other members, to be appointed by him, whose duty it shall be, without unnecessary delay, to let out the building of a State house, to be built at such locality as aforesaid, agreeably to such specifications as they may have prescribed; and they shall have full power to employ an architect, and such other agents as they may find necessary to the execution of their powers; and such architect and agents shall receive a compensation to be fixed and agreed upon by the board and the party employed; a majority of said board shall constitute a quorum to do business, and may appoint any three of their

body as a building or visiting committee, whose duty it shall be to superintend the erection of the State house at such locality as may be selected by the people as aforesaid. The governor shall, *ex officio*, be president of the board of commissioners, but if absent, those present may name a president *pro tem.*; a meeting of the board may be called either by the president or the building or visiting committee, or any other three members.

SEC. 4. *And be it further enacted*, That the commissioners shall each, before entering upon his duties, take an oath that he will, in no case or manner, be concerned or interested in any contract for materials or work, or in any other contracts connected with the building of the new State house herein provided for, and that he will, in every respect, faithfully and to the best of his skill and ability perform the duties required of him by law; and no member of the legislature shall be eligible as commissioner within the term for which he was elected.

SEC. 5. *And be it further enacted*, That at the next session of the General Assembly an appropriation shall be made to be paid towards the construction of a capitol at such locality as may be selected by a majority of votes as aforesaid, not to exceed one hundred thousand dollars.

Mr. L. R. Davis moved to lay said substitute on the table, and demanded the yeas and nays. Said motion prevailed. Yeas 48; nays 45.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Chisolm, L. R. Davis, Franks, Gardner, Gazzam, Goodman, Gonder, Guater, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—48.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Goldsby, Groce, Hill, Hough, Humphreys, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—45.

Mr. Aldridge moved to reconsider the vote by which the House laid upon the table the amendment offered by Mr. Watts to Mr. Creagh's substitute to the bill appropriating money to build a new State house at Montgomery.

Mr. Watts moved to postpone said motion until Wednesday next; upon which question,

Mr. Jemison demanded the yeas and nays.

Said motion prevailed. Yeas 50 ; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, L. R. Davis, Franks, Gardner, Gazzam, Goodman, Gonder, Gunter, Hardwick, Hatcher, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood, Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cain, Camp, Cody, Cooper, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Goldsby, Groce, Hill, Hough, Irby, Jemison, M. A. King, McColm, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—42.

Mr. Blevins moved to amend the bill by way of additional section, as follows :

Be it further enacted, That at the election held on the first Monday in May next, each voter as he hands in his vote, shall be asked by the sheriff or returning officer, whether he prefers Selma or Montgomery as the seat of government, and shall endorse the word Selma or Montgomery on each vote, as the voter may answer.

Be it further enacted. That it shall be the duty of the sheriff of the several counties to return to the Secretary of State within thirty days after said election the vote thus given, which shall be opened in the presence of the governor, the Secretary of State, treasurer and comptroller of the State, and counted, and the place receiving a majority of the votes shall be the permanent seat of government, and the State house shall be built at such place as provided for in the first section of this act.

Mr. Perkins moved to lay said amendment upon the table, upon which question

Mr. Blevins demanded the yeas and nays, and the motion prevailed. Yeas 47 ; nays 45.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cooper, L. R. Davis, Franks, Gardner, Goodman, Gonder, Gunter, Hardwick, Heflin, W. Hendrix, A. Holly, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Wilson, Wood and Young—47.

Those who voted in the negative are, Messrs. Adams, Aldridge,

Austin, Blevins, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Goldsby, Groce, Hatcher, Hill, Hough, Humphreys, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Williams and Wright—45.

Mr. Corsbie moved to amend the bill as follows :

Strike out sixty thousand dollars, and insert one hundred and fifty thousand, seventy-five thousand of which shall be applied to refund the citizens of Montgomery the cost of the former State house.

Mr. R. H. Smith called for the previous question, and

Mr. Pickett demanded the yeas and nays.

Said call was sustained. Yeas 53; nays 38.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Critcher, L. R. Davis, N. Davis, Franks, Gardner, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood and Young—53.

Those who voted in the negative are, Messrs. Aldridge, Austin, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Corsbie, A. R. Davis, Edwards, Gazzam, Goldsby, Groce, Hill, Hough, Humphreys, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, Stone, Storrs, Thorn, Turner, Watkins, Williams and Wright—38.

Mr. Watts moved to suspend the rule to adjourn at 1½ o'clock, P. M., upon which question,

Mr. M. A. King demanded the yeas and nays. Said motion prevailed. Yeas 57; nays 32.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Chisolm, Cody, Cooper, Coupland, Critcher, L. R. Davis, Franks, Gardner, Goldsby, Goodman, Gonder, Gunter, Hardwick, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wilson, Wood, Wright and Young—57.

Those who voted in the negative are, Messrs. Austin, Blevins,

Cain, Camp, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Gates, Gazzam, Groce, Hill, Irby, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins and Williams—32.

Mr. Jemison moved to adjourn, and demanded the yeas and nays. Said motion was lost. Yeas 21; nays 64.

Those who voted in the affirmative are, Messrs. Austin, Cain, Camp, Cody, Crews, Corsbie, A. R. Davis, Gates, Gazzam, Hill, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Stone and Turner—21.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Brasher, Chisolm, Cooper, Coupland, Critcher, L. R. Davis, N. Davis, Gardner, Goldsby, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, Heflin, W. Hendrix, A. Holly, W. Holly, Hough, Hudson, Humphreys, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Rather, Reese, Reynolds, Rives, Rowe, Skelton, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Thorn, Walker, Watkins, Watts, Whatley, Williams, Wood and Young—64.

The question recurred on ordering the bill to the third reading, upon which question,

Mr. Quinn demanded the yeas and and yeas, and the bill was so ordered. Yeas 50; nays 42.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Chisolm, L. R. Davis, Gardner, Goldsby, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton, Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Brasher, Cain, Camp, Cody, Cooper, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Gazzam, Groce, Hough, Humphreys, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams, Wilson, and Wright—42.

And the House adjourned.

AFTERNOON SESSION, February 9, 1850.

The House met pursuant to adjournment.

The question recurred on the motion of Mr. Gates to suspend

the special order with the view of taking from the orders the bill from the Senate to incorporate the southern bank of Alabama, upon which question

Mr. Jemison demanded the yeas and nays. Said motion prevailed. Yeas 63; nays 27.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Aldridge, Ashley, Baker, Barrow, Benbow, Boon, Camp, Chisolm, Critcher, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Wm. Holly, Hough, Hudson, Humphreys, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Rather, Reese, Reynolds, Rives, Rowe, Ryan, Simmons, E. L. Smith, R. H. Smith, Storrs, Swanson, Walker, Watkins, Watts, Whatley, Williams, Wood and Young—63.

Those who voted in the negative are, Messrs. Austin, Blevins, Bridges, Cain, Cody, Coupland, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perryman, Pickett, Quinn, Stone, Thorn, Turner, Wilson and Wright—27.

The bill from the Senate to incorporate the southern bank of Alabama was taken from the orders.

Mr. Nathaniel Davis demanded the yeas and nays on concurring in the first amendment of the Senate to said bill, and the House concurred. Yeas 65; nays 22.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Blevins, Boon, Bridges, Cain, Camp, Chisolm, Cooper, Crews, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, Gonder, Groce, Gunter, Hall, Hatcher, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, W. Holly, Hough, Hudson, Irby, James, Jones, Kendrick, Kennedy, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Murphy, Neal, Patton, Rather, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Stone, Swanson, Turner, Walker, Watkins, Watts, Whatley, Williams, Wood and Young—65.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Cody, Coupland, Critcher, Corsbie, N. Davis, Edwards, Franks, Jemison, J. H. King, M. A. King, McCollum, McGuire, Pickett, Quinn, Ryan, Storrs, Thorn, Wilson and Wright—22.

Mr. Jemison demanded the yeas and nays on concurring in the second amendment of the Senate to said bill, and the House concurred. Yeas 56; nays 31.

Those who voted in the affirmative are, Messrs. Ashley, Baker, Barrow, Benbow, Boon, Brasher, Cain, Camp, Chisolm, Cooper, Crews, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Good-

man, Gonder, Groce, Gunter, Hall, Hatcher, Heflin, M. Hendricks, Wm. Hendrix, Hill, A. Holly, Wm. Holly, Hudson, Humphreys, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Murphy, Patton, Perkins, Quinn, Reese, Reynolds, Rives, Rowe, Simmons, E. L. Smith, R. H. Smith, Swanson, Walker, Watts and Williams—56.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Bridges, Cody, Coupland, Critcher, Corsbie, N. Davis, Edwards, Franks, Goldsby, Hardwick, Irby, James, Jemison, M. A. King, McCollum, McGuire, Neal, Pickett, Rather, Ryan, Stone, Thorn, Turner, Watkins, Whatley, Wilson, Wood, Wright—31.

And the House adjourned.

NIGHT SESSION, February 9, 1850.

The House met pursuant to adjournment.

Mr. Hough obtained leave of absence for the balance of the session.

The bill from the Senate to authorise and regulate the business of banking, was taken from the orders.

The question recurred on ordering said bill to the third reading.

Mr. Patton moved to postpone the further consideration of the bill until Monday, at 10 o'clock, A. M., and that it be made the special order for that hour; upon which question

Mr. N. Davis demanded the yeas and nays, and the motion prevailed. Yeas 53; nays 29.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Barrow, Benbow, Blevins, Brasher, Cain, Cooper, Critcher, Corsbie, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goldsby, Goodman, Gunter, Heflin, M. Hendricks, Wm. Hendrix, A. Holly, W. Holly, Hough, Hudson, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McGuire, McMullen, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Rives, E. L. Smith, Stone, Storrs, Walker, Watts, Williams, Wright and Young—53.

Those who voted in the negative are, Messrs. Aldridge, Austin, Boon, Camp, Chisolm, Cody, Coupland, Crews, N. Davis, Edwards, Franks, Gonder, Groce, Hall, Hardwick, Hill, Humphreys, Irby, James, J. H. King, McDonald, Perryman, Reynolds, Ryan, Swanson, Thorn, Turner, Whatley and Wilson—29.

Mr. N. Davis moved to suspend the special order, with the view of taking from the messages of the Senate a bill to amend the road law in Limestone county.

Mr. Irby moved further to suspend the special order, with the view of taking from the messages of the Senate a bill to authorise the Quartermaster General to distribute public arms.

Mr. Gates moved further to suspend the special order, with the

view of taking from the messages of the Senate a bill to amend the charter of the town of Greensboro'.

The bill from the Senate to alter and amend an act securing to married women their separate estates, and for other purposes, approved March 1, 1848, was taken from the orders and read the second time.

Mr. Adams moved to amend said bill as follows :

Strike out all after the enacting clause, and insert :

That the act entitled an act securing to married women their separate estates, and for other purposes, approved March 1, 1848, be and the same is hereby repealed.

Mr. Ashley moved to lay said amendment on the table ; upon which question,

Mr. Critcher demanded the yeas and nays, and the motion prevailed. Yeas 48 ; nays 37.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Barrow, Benbow, Camp, Chisolm, Cooper, Coupland, Critcher, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hardwick, Hatcher, W. Holly, Hough, Hudson, James, Jemison, Kennedy, J. H. King, Lockwood, McCall, McCollum, McMullen, Patton, Perkins, Perryman, Pickett, Rather, Reese, Reynolds, Rives, Simmons, E. L. Smith, Stone, Swanson, Turner, Walker, Watts, Williams, Wright and Young—48.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Boon, Brasher, Bridges, Cain, Cody, Crews, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Goldsby, Hall, Heflin, M. Hendricks, W. Hendrix, Hill, A. Holly, Humphreys, Jones, Lea, Ligon, McDonald, McGuire, McLeod, Murphy, Neal, Quinn, Ryan, Storrs, Thorn, Watkins, Whatley and Wilson—37.

Mr. Bridges moved to amend said bill by way of additional section, as follows :

“ And be it further enacted, That in all cases where real estate has descended to any female by gift, bequest, or inheritance, previous to the passage of the act to which this is an amendment, it shall be lawful for such female, if a feme covert, together with her husband, to sell and convey such real estate in the same manner as though this act had not passed.”

Mr. L. R. Davis called for the previous question, which was sustained.

The question recurred on ordering the bill to the third reading, upon which question

Mr. Quinn demanded the yeas and nays, and the bill was so ordered. Yeas 62 ; nays 21.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Barrow, Benbow, Blevins, Bridges, Camp, Chisolm,

Coupland, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gonder, Groce, Gunter, Hall, Hardwick, Hatcher, W. Hendrix, W. Holly, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, J. H. King, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McMullen, Murphy, Patton, Perkins, Perryman, Pickett, Rather, Reese, Reynolds, Rives, Simmons, E. L. Smith, Stone, Storrs, Swanson, Turner, Walker, Watkins, Watts, Whatley, Williams, Wright and Young—62.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Boon, Brasher, Cain, Cody, Edwards, Franks, Goldsby, Heflin, M. Hendricks, Hill, A. Holly, McDonald, McGuire, Neal, Quinn, Ryan, Thorn and Wilson—21.

The engrossed bill to amend the charter of the Central plank road company was read the third time. On motion of

Mr. Jemison, said bill was laid on the table.

The engrossed bill to diminish frivolous prosecutions was read the third time.

Mr. Franks moved to lay said bill on the table, upon which question Mr. Hill demanded the yeas and nays. Said motion prevailed. Yeas 42; nays 39.

Those who voted in the affirmative are, Messrs. Ashley, Barrow, Benbow, Blevins, Bridges, Cooper, Coupland, Crews, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Groce, Hardwick, Hatcher, W. Hendrix, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, McLeod, Neal, Perryman, Rather, Reese, Rives, Stone, Watkins, Watts, Whatley, Williams, Wilson and Wright—42.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Boon, Brasher, Cain, Camp, Chisolm, Cody, Critcher, L. R. Davis, Edwards, Gardner, Gonder, Hall, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, J. H. King, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Patton, Perkins, Pickett, Quinn, Reynolds, Ryan, Simmons, Storrs, Swanson, Thorn, Turner and Walker,—39.

Mr. Blevins moved to reconsider the vote by which the House had just laid upon the table the engrossed bill to diminish frivolous prosecutions; upon which question,

Mr. Cooper demanded the yeas and nays.

Said motion prevailed. Yeas 44; nays 39.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Ashley, Austin, Blevins, Boon, Brasher, Cain, Camp, Cody, Critcher, A. R. Davis, L. R. Davis, Edwards, Gardner, Gonder, Groce, Hall, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, Hough, J. H. King, Ligon, McCall, McCollum, McDonald, McGuire, McMullen, Murphy, Neal, Perkins, Pickett, Quinn, Ryan, Simmons, Stone, Storrs, Swanson, Thorn, Turner, Walker—44.

Those who voted in the negative are, Messrs. Barrow, Bridges, Chisolm, Cooper, Coupland, Crews, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Hardwick, W. Hendrix, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Lea, Lockwood, McLeod, Patton, Perryman, Rather, Reese, Reynolds, Rives, Watkins, Watts, Whatley, Williams, Wilson and Wright—39.

Mr. Blevins moved to amend said bill by engrossed ryder, as follows :

And be it further enacted, That in all cases of fornication and adultery, when no child or children are the result, and the public morals not impaired, and the parties are satisfied, upon a certificate of the justice of the peace setting forth these facts, it shall be a bar to an indictment therefor.

Which motion was lost.

Mr. Bridges moved to amend said bill by engrossed ryder, as follows :

“Be it further enacted, That hereafter civil friendly fighting shall not be considered an indictable offence, and in all cases it shall be the duty of the judges to give this act specially in charge of the grand juries.

On motion of

Mr. Garduer, said amendment was laid on the table.

Mr. Crews demanded the yeas and nays on the passage of the bill, and the House refused to pass the bill. Yeas 33 ; nays 40.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Boon, Cain, Camp, Cody, Critcher, A. R. Davis, L. R. Davis, Edwards, Garduer, Gonder, Groce, Hall, Heflin, M. Hendricks, Hill, A. Holly, W. Holly, J. H. King, McCall, McCollum, McGuire, McMullen, Murphy, Perkins, Pickett, Quinn, Simmons, Storrs, Swanson, Thorn and Walker—33.

Those who voted in the negative are, Messrs. Ashley, Barrow, Benbow, Blevins, Bridges, Cooper, Coupland, Crews, N. Davis, Franks, Gates, Goldsby, Goodman, Hardwick, W. Hendrix, Hudson, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McDonald, McLeod, Patton, Perryman, Rather, Reese, Rives, Ryan, Watkins, Watts, Whatley, Williams, Wilson and Wright—40.

And the House adjourned.

MONDAY, February 11th, 1850.

The House met pursuant to adjournment.

On motion of

Mr. Bridges, the reading of the journal was dispensed with.

Bills were introduced by :

Mr. Hill, to provide for the erection of tomb stones over the remains of deceased members :

Mr. Bridges, for the relief of Isham Sheffield, deceased, of Wilcox county :

Mr. Pickett, to attach the county of Hancock :

Mr. Adams, to establish justices' courts in the county of Marshall :

Mr. Lea, supplementary to an act entitled an act establishing courts of probate, and for other purposes, passed at the present session of the General Assembly :

Said bills were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith.

Mr. R. H. Smith, from the select committee, to whom were referred joint resolutions enquiring into the expense consequent upon the burning of the late capital, reported a bill to compensate the owners of buildings used by the General Assembly and Officers of State, which was read and the constitutional rule being suspended, was read the second and third times forthwith and passed.

Mr. Young introduced a bill to loan a portion of the three per cent. fund to the central plank road company, which was read.

Mr. Wilson demanded the yeas and nays on ordering said bill to the second reading and the House refused to so order the bill. Yeas 18 ; nays 56.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Baker, Barrow, Chisolm, Cooper, Critcher, Goodman, Gonder, Groce, Gunter, Jones, Kendrick, J. H. King, Ligon, Skelton, Swanson and Young—18.

Those who voted in the negative are, Messrs. Aldridge, Benbow, Boon, Brasher, Bridges, Cain, Camp, Cody, Coupland, Crews, Corsbie, A. R. Davis, L. R. Davis, N. Davis, Edwards, Franks, Gates, Goldsby, Hall, Hardwick, Heflin, W. Hendrix, Hill, A. Holly, W. Holly, Irby, James, Jemison, M. A. King, Lea, McCall, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Neal, Perryman, Pickett, Quinn, Rather, Reese, Rowe, Ryan, Simmons, Storrs, Thorn, Turner, Walker, Watkins, Watts, Williams, Wilson, Wood and Wright—56.

Mr. Young introduced a bill to exempt property from execution, all a man has, and all he can steal, which was read.

On motion of

Mr. Jemison, said bill was laid upon the table.

Mr. Watkins introduced a bill for the relief of Henry M. Elmore, which was read and the constitutional rule being suspended, was read the second time forthwith and referred to a select committee to be composed of the delegation from the county of Montgomery.

Mr. Baker moved to suspend the special order to take up the bill from the Senate for rebuilding the capitol at Montgomery.

Mr. Jemison moved the indefinite postponement of the bill appropriating money to build a new State house, which motion prevailed.

The bill from the Senate to provide for rebuilding the capitol at Montgomery, was read the third time.

Mr. Ryan demanded the yeas and nays on the passage of the bill, and the bill passed. Yeas 50; nays 41.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Baker, Barrow, Benbow, Boon, Bridges, Chisolm, L. R. Davis, Gardner, Gazzam, Goodman, Gonder, Gunter, Hall, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, A. Holly, W. Holly, Hudson, Irby, James, Jones, Kendrick, Kennedy, J. H. King, Lea, Ligon, Lockwood, McCall, McMullen, McLeod, Murphy, Patton, Perryman, Reese, Rives, Rowe, Skelton Simmons, E. L. Smith, Swanson, Walker, Watts, Whatley, Wood and Young—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Brasher, Cain, Camp, Cody, Coupland, Crews, Critcher, Corsbie, A. R. Davis, N. Davis, Edwards, Franks, Gates, Groce, Hill, Humphreys, Jemison, M. A. King, McCollum, McDonald, McGuire, Neal, Perkins, Pickett, Quinn, Rather, Reynolds, Ryan, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Williams, Wilson and Wright—41.

Mr. Baker moved to reconsider the vote just taken, which motion was lost.

Mr. Neal moved to postpone to to-morrow, which motion was lost.

The bill to loan a portion of the three per cent. fund to the Tuskaioosa plank road company, and for other purposes, was read the second time.

Mr. Jemison moved to amend said bill by striking out the last section.

Mr. Whatley moved to lay the bill and amendment upon the table; upon which question,

Mr. Turner demanded the yeas and nays, and the motion prevailed. Yeas 44; nays 33.

Those who voted in the affirmative are, Messrs. Aldridge, Ashley, Austin, Barrow, Benbow, Boon, Cody, Crews, Critcher, L. R. Davis, N. Davis, Franks, Gardner, Goodman, Gunter, Hall, Hardwick, Heflin, M. Hendricks, W. Hendrix, Hill, Alfred Holly, W. Holly, Humphreys, Irby, James, Kendrick, M. A. King, McMullen, McLeod, Perryman, Rather, Ryan, Simmons, Swanson, Thorn, Turner, Walker, Whatley, Williams, Wilson, Wood, Wright and Young—44.

Those who voted in the negative are, Messrs. Speaker, Adams, Blevins, Cain, Camp, Cooper, Coupland, A. R. Davis, Gates, Gaz-

zam, Groce, Hatcher, Jemison, Jones, Kennedy, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs and Watts—33.

The bill to repeal an act published in Clay's Digest, page 133, under the title of banking privileges and foreign bank bills, and also to repeal an act approved March 4th, 1848, entitled an act to prohibit foreign corporations from exercising banking privileges in the State of Alabama, and for other purposes, was read the second time.

Mr. Walker moved to amend said bill by way of additional section, as follows :

Provided, That nothing contained in this act shall or may be so construed as to authorise any party or parties acting, or who may act, within the limits of this State, as the agent or agents of any bank or banks of any other State, either directly or indirectly, to employ or pay out in the discount or purchase of bills of exchange, promissory notes, or other obligation to pay, other than gold or silver coin or the notes of the bank of this State, or the notes of the particular bank or banks for which he or they may be acting as agent or agents, made payable and redeemable at the office or place of business of such agent or agents, in gold or silver coin, on demand.

Mr. Turner moved to lay the bill and amendment upon the table.

Mr. Jemison called for a division of the question, which was first taken on laying the amendment upon the table, upon which question Mr. Walker demanded the yeas and nays, and the motion prevailed. Yeas 47 ; nays 23.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Cain, Camp, Cody, Cooper, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Goldsby, Goodman, Hall, Hardwick, Wm. Hendrix, W. Holly, Jemison, Jones, M. A. King, Lea, McCall, McCollum, McDonald, McGuire, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Reynolds, E. L. Smith, R. H. Smith, Stone, Storrs, Thorn, Turner, Watkins, Whatley, Wilson and Wright—47.

Those who voted in the negative are, Messrs. Speaker, Ashley, Coupland, Crews, L. R. Davis, Gardner, Heflin, Hill, A. Holly, Humphreys, Irby, Kendrick, Kennedy, Ligon, McMullen, Rather, Rives, Ryan, Simmons, Swanson, Walker and Wood—23.

The question was then taken on laying the bill on the table, upon which question

Mr. Walker demanded the yeas and nays. Said motion was lost. Yeas 18 ; nays 54.

Those who voted in the affirmative are, Messrs. Speaker,

Ashley, Cody, Coupland, Crews, L. R. Davis, N. Davis, Hall, Hill, A. Holly, Irby, McMullen, Thorn, Turner, Walker, Williams, Wilson and Wood—18.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Benbow, Blevins, Boon, Cain, Camp, Cooper, A. R. Davis, Franks, Gardner, Gates, Gazzam, Goldsby, Goodman, Gunter, Hardwick, Hatcher, Heflin, M. Hendricks, W. Hendrix, W. Holly, Jemison, Jones, Kendrick, Kennedy, M. A. King, Lea, Ligon, McCollum, McDonald, McGuire, McLeod, Murphy, Neal, Patton, Perkins, Perryman, Pickett, Quinn, Rather, Reynolds, Rives, Ryan, Sowell, E. L. Smith, R. H. Smith, Stone, Storrs, Swanson, Walker, Whatley and Wright—54.

Mr. Jones moved to amend the bill by striking out "eight" where it occurs in the second section, and in lieu thereof insert "six," which was lost.

The constitutional rule being suspended, the bill was read the third time forthwith.

Mr. Crews demanded the yeas and nays on the passage of the bill. The bill passed. Yeas 38; nays 36.

Those who voted in the affirmative are, Messrs. Benbow, Blevins, Cain, Camp, Cooper, Critcher, A. R. Davis, Gardner, Gates, Gazzam, Gunter, Hardwick, Hatcher, W. Hendrix, Humphreys, Jemison, Lea, Ligon, Lockwood, McCall, McCollum, McDonald, McGuire, Murphy, Neal, Patton, Perkins, Pickett, Rather, Reynolds, Rives, Ryan, E. L. Smith, R. H. Smith, Stone, Storrs, Whatley and Wright—38.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Brasher, Cody, Coupland, Crews, N. Davis, Franks, Goodman, Hall, Heflin, M. Hendricks, Hill, A. Holly, Hudson, Irby, Jones, Kendrick, Kennedy, M. A. King, McMullen, McLeod, Quinn, Rowe, Simmons, Swanson, Thorn, Turner, Walker, Watkins, Williams, Wilson and Wood—36.

Mr. Jemison moved to reconsider the vote just taken, which motion was lost.

Mr. Lea offered the following resolution, which was adopted:

Resolved, That, with the concurrence of the Senate, the two houses will assemble in the Representative Hall this evening, at 7 o'clock, P. M., and elect the two commissioners required to act with the governor, in contracting for, and superintending the erection of the State capitol.

The bills from the Senate:

To amend an act entitled an act to incorporate the Memphis and Charleston rail road company, approved January 7, 1850:

Repealing in part an act to alter and amend the road law in reference to the county of Limestone, and

The joint resolutions authorising D. Coggin to draw the pay

due Hon. Woodson Northcut, late a member of the House of Representatives from Marion county :

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith, and passed.

The bill to equalise the salaries of the solicitors of this State, was read a second time and lost.

Mr. Speaker. (Mr. N. Davis in the chair,) moved to further suspend the special order, to take up the bill from the Senate to authorise and regulate the business of banking.

Mr. Coupland demanded the yeas and nays on the passage of the bill.

The bill passed. Yeas 44 ; nays 31.

Those who voted in the affirmative are, Messrs. Speaker, Adams, Ashley, Benbow, Blevins, Brasher, Cain, Cooper, A. R. Davis, Garduer, Gates, Gazzam, Goodman, Gunter, Hatcher, Heflin, M. Hendricks, W. Hendrix, Wm. Holly, Hudson, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McMullen, Murphy, Neal, Patton, Perkins, Pickett, Quinn, Rather, Reese, Rives, E. L. Smith, Stone, Storrs, Walker, Williams and Wright—44.

Those who voted in the negative are, Messrs. Aldridge, Austin, Boon, Camp, Cody, Coupland, Crews, N. Davis, Franks, Hall, Hardwick, Hill, A. Holly, Humphreys, Irby, James, Kendrick, McCall, McDonald, Perryman, Reynolds, Ryan, Simmons, R. H. Smith, Swanson, Thorn, Turner, Watkins, Whatley, Wilson and Wood—31.

The joint resolutions from the Senate on the subject of slavery were read.

Mr. R. H. Smith moved to postpone the further consideration of the resolutions until 8 o'clock, P. M., which motion was lost.

Mr. R. H. Smith moved to postpone the further consideration of the subject until 7½ o'clock, P. M., which motion prevailed.

And the House adjourned.

AFTERNOON SESSION, February 11, 1850.

The House met pursuant to adjournment.

The House concurred in the amendments of the Senate to the bills :

For the relief of William E. Shaver, J. Taylor and Joseph Bartlett, paupers of Montgomery county.

More effectually to provide for the protection of grand jurors, petit jurors and witnesses.

Making appropriations for the years eighteen hundred and fifty and fifty-one.

For the relief of the citizens of township sixteen, range seven, east, in Benton county.

To incorporate the Opelika and Dudleyville plank road company.

To change the names of persons therein named.

To form two new chancery districts.

To make appropriations to pay certain claims against the State.

To incorporate the Dale Dragoons, and for other purposes.

In relation to the inception of the lien in chancery attachments.

The House refused to concur in the amendment of the Senate to the bill concerning the Madison macadamised road.

The bill from the Senate the more effectually to suppress the evil practice of trading with slaves, was read the third time and passed.

The bill from the Senate to authorise the sale of the estate of deceased persons, was read the third time and lost.

The bill from the Senate to regulate the weighing of cotton in this State, was read the third time and, on motion of

Mr. Storrs, was indefinitely postponed.

The bill from the Senate to alter and amend an act securing to married women their separate estates, and for other purposes, approved March 1st, 1848, was read the third time.

Mr. Quinn moved to amend said bill by way of additional section, as follows:

Be it further enacted, That married women who hold property under the provisions of this act shall be entitled to all the privileges of free white male citizens, and shall be eligible to all offices of honor or profit.

On motion of

Mr. Cooper, said amendment was laid upon the table.

Mr. A. Holly demanded the yeas and nays on the passage of the bill, and the bill passed. Yeas 50; nays 17.

Those who voted in the affirmative are, Messrs. Speaker, Ashley, Benbow, Camp, Cooper, Corsbie, A. R. Davis, Franks, Gardner, Gates, Gazzam, Goodman, Gunter, Hall, Hardwick, Hatcher, Wm. Hendrix, Wm. Holly, Hudson, Humphreys, Irby, Jemison, Kendrick, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McCollum, McGuire, McMullen, Murphy, Patton, Perkins, Perryman, Pickett, Rather, Reese, Reynolds, Rives, Ryan, Simmons, Stone, Swanson, Walker, Watkins, Watts, Whatley and Wright—50.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Brasher, Cain, Cody, N. Davis, Heflin, M. Hendricks, A. Holly, McDonald, McLeod, Neal, Quinn, Storrs, Wilson and Wood—17.

The bill to locate lands for valueless sixteenth sections was read the second time, and the constitutional rule being suspended, was read the third time forthwith, and passed.

Mr. Gunter (by leave) introduced a bill supplemental to an act making appropriations to rebuild the State house at Montgomery, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

Mr. Aldridge (by leave) introduced a bill to make an appropriation to pay a certain claim against the State, which was read, and the constitutional rule being suspended, was read the second and third times forthwith, and passed.

On motion of

Mr. Lockwood, the bill from the Senate to amend the laws relating to the bank of Mobile, was taken from the table and read the second time.

Mr. Lockwood moved to amend the bill by striking out the last proviso, which was adopted, and the constitutional rule being suspended, was read the third time forthwith, and passed. Yeas 46 ; nays 32.

On the passage of the bill to amend the laws in relation to the Bank of Mobile :

Those who voted in the affirmative are, Messrs. Barrow, Benbow, Brasher, Cain, Camp, Cooper, Crews, Critcher, A. R. Davis, L. R. Davis, Gardner, Gates, Gazzam, Goodman, Gunter, Hatcher, Heflin, W. Hendrix, W. Holly. Jones, Kennedy, Lea, Ligon, Lockwood, McCollum, McDonald, McGuire, McMullen, McLeod, Murphy, Patton, Perkins, Pickett, Reese, Reynolds, Rives, Edward L. Smith, R. H. Smith, Storrs, Swanson, Turner, Walker, Watts, Whatley, Williams and Young—46.

Those who voted in the negative are, Messrs. Speaker, Adams, Aldridge, Ashley, Austin, Boon, Cody, Corsbie, N. Davis, Edwards, Franks, Hall, Hardwick, M. Hendricks, Hill, Humphreys, Irby, James, Kendrick, M. A. King, McCall, Neal, Perryman, Quinn, Rather, Ryan, Simmons, Stone, Watkins, Wilson, Wood and Wright—32.

Mr. Gates moved to reconsider the vote regulating the bill to equalize solicitors' salaries, which was carried.

Mr. Lea moved to reconsider the vote refusing to pass the bill to authorise the sale of real estate of deceased persons, which was carried, and the bill passed.

Mr. Gazzam moved to reconsider the vote refusing to pass the bill to regulate the weighing of cotton, pending which,

The House adjourned.

NIGHT Session, February 11th, 1850.

The House met pursuant to adjournment,

The Senate, by invitation, appeared in the hall of the House, and the two Houses in convention, proceeded to the election of two commissioners to act with the Governor in making contracts and superintending the rebuilding of the State House.

Messrs. Charles S. Lucas, E. H. Dickinson, Nimrod E. Benson, Thomas B. Burton, Justus Wyman and Daniel Pratt, being in nomination.

Those who voted for Mr. Lucas are, Messrs. Bridges, Brindley, Compton, Godbold, Gray, Gunn, Manning and Winston, of the Senate—7. Messrs. Speaker, L. R. Davis, N. Davis, Hardwick, Hatcher, Heflin, A. Holly, Hudson, Irby, Kennedy, M. A. King, Lea, McDonald, McGuire, Patton, Pickett, Rather, Stone and Wright of the House—19—7: 26.

Those who voted for Mr. Dickerson are, Messrs. Abercrombie, Brindley, Garland and O'Neal, of the Senate—4. Messrs. Critcher, L. R. Davis, Goldsby, M. A. King, McCall, McCollum and Swanson, of the House—7—4: 11.

Those who voted for Mr. Benson are, Messrs. President, Abercrombie, Beckett, Buford, Compton, Garland, Gray, Gunn, Judge, Manning, McLemore, Morrissett, Murphy, O'Neal, Stewart, Storrs, Tarrant and Ware of the Senate—18. Messrs. Speaker, Ashley, Baker, Barrow, Blevins, Boon, Brasher, Cain, Camp, Chisolm, Cody, Cooper, A. R. Davis, N. Davis, Franks, Gates, Gazzam, Gunter, Hall, Hardwick, W. Hendrix, James, Jemison, Jones, Kendrick, Kennedy, Ligon, Lockwood, McCall, McGuire, McMullen, McLeod, Patton, Perryman, Quinn, Rather, Rives, Simmons, R. H. Smith, Stone, Storrs, Watkins, Whatley, Wilson, Wood and Young—47—18: 65.

Those who voted for Mr. Burton are, Messrs. Baker, Boon, A. R. Davis, Goldsby, Goodman, Gunter, Hudson, Perkins, Reynolds, Rives, R. H. Smith and Watts, of the House—12.

Those who voted for Mr. Wyman are, Messrs. Buford, Godbold, Ware and Watrous, of the Senate—4. Messrs. Adams, Benbow, Goodman, A. Holly, W. Holly, Lea, McMullen, Quinn, Walker and Watts, of the House—10—4: 14.

Those who voted for Mr. Pratt are, Messrs. President, Beckett, Judge, McLemore, Morrissett, Murphy, Stewart, Tarrant and Watrous, of the Senate—9. Messrs. Adams, Aldridge, Ashley, Barrow, Benbow, Blevins, Brasher, Cain, Camp, Chisolm, Cody, Cooper, Critcher, Franks, Gates, Gazzam, Hall, Hatcher, Heflin, W. Hendrix, W. Holly, Irby, Jemison, Jones, Kendrick, Ligon, Lockwood, McCollum, McDonald, McLeod, Perkins, Pickett, Reynolds, Simmons, Storrs, Swanson, Walker, Watkins, Whatley, Wilson, Wood, Wright, Young, of the House—43—9: 52.

Mr. Storrs, of the Senate, and Messrs. James and Perryman, of the House, voted for Mr. Crommelin.

Messrs. Nimrod E. Benson and Daniel Pratt having received a majority of the votes given, were declared by Mr. Speaker to have been duly and constitutionally elected commissioners, and for the term prescribed by law.

Second: A Trustee of the University of Alabama for the third judicial circuit, Messrs. James Guild and Richard L. Nott being in nomination.

Those who voted for Mr. Guild are, Messrs. President, Abercrombie, Brindley, Buford, Coggin, Compton, Fleming, Garland, Garrett, Godbold, Gunn, Judge, McLemore, O'Neal, Stewart, Storrs, Tarrant, Ware, Watrous, Wilson and Winston, of the Senate—21. Messrs. Adams, Aldridge, Ashley, Austin, Brasher, Cain, Camp, Chisolm, Cody, Cooper, Critcher, Gardner, Goldsby, Hardwick, Hatcher, Heflin, A. Holly, Irby, James, Jemison, Kendrick, Kennedy, M. A. King, Lea, Lockwood, McGuire, Perkins, Perryman, Pickett, Quinn, Rather, Storrs, Turner, Walker, Whatley, Wilson, Wood, of the House—37—21: 58.

Those who voted for Mr. Nott are, Messrs. Beckett, Gray, Manning, Morrisett and Murphy, of the Senate—5. Messrs. Baker, Barrow, Benbow, Blevins, Boon, A. R. Davis, L. R. Davis, N. Davis, Franks, Gates, Gazzam, Gunter, Hall, W. Hendrix, W. Holly, Hudson, Jones, Ligon, McCall, McCollum, McDonald, McMullen, McLeod, Patton, Reynolds, Rives, Simmons, R. H. Smith, Stone, Swanson, Watkins, Watts, Wright and Young, of the House—34—5: 39.

Mr. James Guild having received a majority of all the votes given, was declared by Mr. Speaker to have been duly and constitutionally elected Trustee of the University of Alabama for the third judicial circuit for the term prescribed by law.

The bill from the Senate for the final adjustment of the accounts of the State of Alabama with the United States arising from her per centage on public lands sold within her limits, was read, and the constitutional rule being suspended, was read the second and third times forthwith.

Mr. Hall moved to suspend the special order, to take from the orders the bill to continue the agency of John Scott, which motion was lost.

The hour of 7 o'clock having arrived, the House proceeded to the consideration of the special order, it being the joint resolutions from the Senate relating to the subject of slavery.

Mr. Lea moved to amend the resolutions by way of substitute, as follows:

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in behalf of the people of Alabama, and of ourselves, their Representatives here assembled, we do heartily approve, and are ready and willing, in any and every way, to sustain the firm and decisive position taken by our Senators and Representatives at the present session of Congress, against the reckless aggressions of abolitionists; and without a waste of words, simply re-affirm and

re-assert former most explicit resolutions of the General Assembly of Alabama ; all of which our governor is requested to communicate to said gentlemen, assuring them of our implicit reliance on their wisdom, prudence and firmness, and of our settled will and ability to sustain them.

Mr. Hall moved to refer the resolutions and the amendment submitted by Mr. Lea, to a joint select committee to be composed of five from the House, to act with a like committee on the part of the Senate ; and that the committee be instructed to report tomorrow at 3 o'clock, P. M. ; on which question,

Mr. L. R. Davis demanded the yeas and nays, and the motion prevailed. Yeas 37 ; nays 17.

Those who voted in the affirmative are, Messrs. Ashley, Benbow, Blevins, Cody, Cooper, Critcher, N. Davis, Gardner, Gates, Gazzam, Goodman, Hall, W. Hendrix, A. Holly, Wm. Holly, Humphreys, Irby, James, Jemison, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCollum, McMullen, Murphy, Patton, Perkins, Reynolds, Rives, Ryan, R. H. Smith, Walker, Watkins and Wood—37.

Those who voted in the negative are, Messrs. Austin, Boon, Brasher, Crews, L. R. Davis, A. R. Davis, Hardwick, Heflin, Hill, McCall, Neal, Perryman, Rather, Stone, Swanson, Whatley and Wright—17.

And the House adjourned.

TUESDAY, February 12, 1850.

The House met pursuant to adjournment.

A message from the Senate by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution:

Resolved by the Senate, That, with the concurrence of the House, the two houses of the General Assembly will adjourn *sine die*, on this day, the 12th instant.

Mr. Edwards offered the following resolution, which was adopted :

Resolved, That the committee on the State capitol be instructed to inquire and report what should be done with the old State house at Tuscaloosa.

The following Representatives obtained leave to record their votes upon the passage of the bill to authorise and regulate the business of banking :

Messrs. Watts, McGuire and Critcher, voted yea.

Mr. Baker voted nay.

The following Representatives obtained leave to record their votes upon the passage of the bill to amend the laws in relation to the bank of Mobile :

Messrs. Watts and Baker voted yea.

The following Representatives obtained leave to record their votes on ordering the joint resolutions on the subject of slavery to a third reading :

Messrs. Speaker and Wilson voted nay.

Mr. McCollum moved to suspend the special order, with a view of taking up the messages from the Senate.

Mr. Hall moved to lay said motion on the table, and demanded the yeas and nays, which motion was lost. Yeas 21; nays 50.

Those who voted in the affirmative are, Messrs. Boon, Cooper, L. R. Davis, Gardner, Gazzam, Goodman, Hall, Heflin, A. Holly, Irby, James, Kendrick, M. A. King, Lockwood, McDonald, McGuire, Rather, E. L. Smith, Williams, Wilson, Wood—21.

Those who voted in the negative are, Messrs. Adams, Aldridge, Ashley, Austin, Blevins, Brasher, Camp, Cody, Coupland, Crews, Critcher, A. R. Davis, N. Davis, Franks, Gates, Gunter, Hardwick, M. Hendricks, W. Hendrix, Hudson, Jemison, Lea, Ligon, McCollum, McLeod, Neal, Patton, Perkins, Perryman, Quinn, Reynolds, Skelton, Simmons, Storrs, Turner, Walker, Watkins, Watts, Whatley and Wright—50.

Mr. Speaker (Mr. Cooper in the chair,) moved to suspend the special order, with the view of taking up the bill to establish a supreme court for the hearing of causes at Huntsville, which was read the second time and lost.

Mr. Hall moved to suspend the special order, with a view of taking up

The bills:

Providing for the removal of the field notes in the possession of the surveyor general, and for other purposes:

To continue the agency of R. T. Scott for the collection of claims against the United States:

To provide substitutes for the original journals and acts of the legislature, which have been lost or destroyed:

Said bills were severally read the second time, and the constitutional rule being suspended, were severally read the third time forthwith, and passed.

The bills from the Senate:

For the relief of James M. Morrow, late sheriff of Fayette county:

To change the time of paying out the interest due, or hereafter due, the several townships in this State on the sixteenth section fund:

Concerning forcible entries and detainers:

To incorporate the Selma Fire Company No. 1 of the town of Selma:

To amend the judiciary system of the State of Alabama:

To amend the charter of the town of Greensborough, in Greene county

To authorise James J. Ligon and John C. Ligon, administrators of the estate of James Ligon, deceased, to settle and compromise the bad and doubtful debts belonging to said estate :

To incorporate the Conecuh navigation company :

To incorporate the Marion Guards :

To incorporate the Mobile musical association.

Further to provide for the final settlement of the affairs of the Planters and Merchants' Bank of Mobile :

To change the time of holding the circuit courts in the counties of Shelby and St. Clair :

In relation to indictments against slaves for capital offences :

For the relief of Joseph H. Wallace, of the county of Lawrence :

To incorporate the Mobile and Spring Hill plank or shell road company ; and

To authorise the orphans' court of Jefferson county to decree the sale of certain lands therein named :

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

The bills from the Senate :

To amend the law now in force in relation to the collection of judgments obtained against administrators and executors :

In relation to dower :

To amend an act entitled an act to reform the evils arising from local legislation :

To repeal in part an act compelling teachers of schools and students, in Jefferson county, to work on public roads :

To amend an act to regulate permanently the sixteenth section fund, approved March 6th, 1848 :

To alter and amend the several acts prescribing the duties of the clerk of the supreme court ; and

For the relief of deaf, dumb and blind persons in the State of Alabama :

Were severally read the second time, and the constitutional rule being suspended, were severally read the third time forthwith and passed.

The bills from the Senate :

Defining the time of working on public roads :

To appropriate a portion of the three per cent. fund for the benefit of the Girard rail road company :

To enable rail road companies to construct plank roads ; and

To amend and modify an act entitled an act for the permanent regulation of the sixteenth section fund :

Were severally read the third time, and the House refused to pass said bills.

The joint resolutions from the Senate :

To provide for obtaining duplicates of bonds and public documents destroyed by the burning of the State capitol :

Concerning the deposit of public arms, and for other purposes ; and the

Joint memorial to the Congress of the United States, praying for grants of land to aid in the construction of rail roads and plank roads.:

Were severally read the third time and passed.

Mr. James, from the joint committee appointed to examine the offices of the comptroller and treasurer, by leave reported as follows, to-wit :

The joint committee appointed to examine the offices of the Comptroller and Treasurer have, according to order, performed the duties assigned them, and beg leave to report :

1. That the books of the Comptroller were examined for the fiscal years of eighteen hundred and forty-eight and eighteen hundred and forty-nine. Each item in the account of disbursements was compared with the vouchers on which the same was allowed and for which the Comptroller's warrant on the Treasurer was drawn ; all were found to be correct, and so far as your committee were enabled to determine, were proper charges against the State.

2. Each receiving warrant drawn by the Comptroller, upon the auditing of accounts and debts due the State, and by which the Treasurer is advised of the amount to be paid into the treasury, was carefully compared with the books of the Comptroller and Treasurer and all found to be correct.

3. The books of the Treasurer were scrutinised by comparing each item disbursed with the warrant of the Comptroller authorising its payment and found to be correct.

4. The money in the treasury was counted by your committee—the contents of each package carefully examined. The result of this showed that there was in the treasury on the 1st of November, 1849, arising from amounts paid into the treasury on the Comptroller's receiving warrants the sum of \$538,016 58

On account of receipts from the Treasurer of the United States for money expended by the State in the Creek war of 1836-'37, - - - - - 775 86

Showing cash balance in the treasury on 1st November, 1849, of - - - - - \$538,792 44

On striking a balance on the books of the Comptroller, for the purpose of ascertaining the correct amount in the office of the Treasurer, including the balance reported by Van Dyke, late Comptroller, and not including any of the receipts into the Treasury from the Government of the United States, it shows the amount in the hands of the Treasurer, or with which his depart-

ment stands charged on the 1st Nov., 1849, to be \$552,576 65

By the books of the Treasurer this balance is	
made up of cash on hand 1st Nov, 1849, - - -	\$538,016 58
Error in account of Frierson, late Treasurer, -	14,556 07
Warrant drawn by Comptroller on Treasurer,	
not presented for payment, - - - - -	4 00
	<u>\$552,576 65</u>

The Treasurer has received from the Government of the United States, on account of money advanced by the State of Alabama in defraying the expenses of the war with the Creek nation of Indians, in the years 1836-'37, the sum of \$75,139 35

From which amount the Treasurer has paid R.	
Scott, as commissions for adjusting this claim, &c.	\$5,970 07
Also paid to F. S. Lyon, Comm'r. and Trustee,	68,393 42
Leaving a cash balance in the hands of the Treas-	
urer of this fund, as above reported, of - - - -	775 86
	<u>\$75,139 35</u>

The committee examined the vouchers for the disbursements to Messrs. Scott and Lyon and their receipts in the hands of the Treasurer for the respective amounts paid them and find them correct.

In conclusion, your committee report that the books of the Comptroller and Treasurer are kept in a neat and commendable style, sufficiently perspicuous and easily understood.

SETH P. STORRS,

Chairman on part of Senate.

LORENZO JAMES,

Chairman on part of House.

Said report was received and concurred in.

The bill from the Senate to authorise the allowance and payment of the accounts of jailors in certain cases, was read.

Mr. Lea moved to suspend the constitutional rule with a view of giving the bill a second reading forthwith.

Mr. N. Davis demanded the yeas and nays on said motion, which was lost and the bill was ordered to a second reading on to-morrow. Yeas 37; nays 15.

Those who voted in the affirmative are, Messrs. Adams, Ashley, Brasher, Cain, Camp Cooper, Critcher, Gardner, Gates, Gazzam, Goodman, Gunter, Hardwick, Hatcher, Heflin, W. Hendrix, A. Holly, Hudson, Kennedy, Lea, Ligon, McCollum, McGuire, McLeod, Neal, Perkins, Perryman, Rather, Rives, Ryan, Storrs, Swanson, Turner, Walker, Watkins, Watts and Whatley—37.

Those who voted in the negative are, Messrs. Aldridge, Austin, N. Davis, Franks, Goldsby, Hall, M. Hendricks, W. Holly,

Humphreys, Irby, James, McDonald, McMullen, Wilson and Wood—15.

Mr. Ryan moved to reconsider the vote just taken on ordering said bill to a second reading on to-morrow, which motion prevailed.

And the House adjourned.

AFTERNOON SESSION, February 12, 1850.

The House met pursuant to adjournment.

The bill from the Senate to authorise the allowance and payment of the accounts of jailors in certain cases, was read the second time.

Mr. Watts moved to amend the bill by adding after the word "felony," in the first section, "or which prisoners have broken jail without fault or neglect on the part of the jailor."

Said amendment was adopted, and the constitutional rule being suspended, the bill was read a third time forthwith.

Mr. Austin demanded the yeas on the passage of said bill, and the House refused to pass said bill. Yeas 18; nays 37.

Those who voted in the affirmative are, Messrs. Camp, Cooper, A. R. Davis, Gardner, Gates, Gunter, Kennedy, Lea, Ligon, McCollum, McGuire, McLeod, Quinn, Rives, Swanson, Walker and Watkins—18.

Those who voted in the negative are, Messrs. Adams, Aldridge, Austin, Blevins, Boon, Brasher, Cody, Conpland, Corsbie, N. Davis, Edwards, Franks, Goodman, Hall, Hardwick, Hatcher, Heflin, W. Hendrix, Wm. Holly, Hudson, Humphreys, Irby, James, Kendrick, M. A. King, McDonald, McMullen, Neal, Perryman, Rather, Reynolds, Stone, Storrs, Whatley, Wilson, Wood and Young—37.

The bills from the Senate:

For the relief of Jesse Horne:

To amend the laws regulating the State printing:

To prevent injury to plank roads and covered roads:

Establishing the medical association of the State of Alabama:

For the relief of Richard Benbow, of Pike county:

To provide for the registration and safe disposition of the unsold State bonds:

For the benefit of the estate of James P. Peston, late of Jackson county:

In relation to saw mills in Shelby county:

To incorporate the Tuskegee plank road company:

To amend the penal code of this State:

To extend the corporate limits of the city of Montgomery:

To change the name of the criminal court of Mobile county:

To incorporate the Alabama and Tallapoosa plank road company:

To provide for the incorporation of companies to construct macadamised, graded, turnpike, wooden rail roads or plank roads:

In relation to courts of probate and their jurisdiction :

To apply the State tax of Tuscaloosa county to paying interest on the University fund :

To appropriate twenty thousand dollars for the payment of the members and officers of the present General Assembly :

To amend the charter of the Girard and Mobile rail road :

To incorporate the Montgomery mechanical manufacturing company in the city of Montgomery ; and

To compensate the owners of buildings used by the General Assembly and officers of the State :

Were severally read, and the constitutional rule being suspended, were severally read the second and third times forthwith and passed.

The joint resolution from the Senate for the relief of Richard Benbow, of Pike county, was read, and the constitutional rule being suspended, was read the second and third times forthwith and passed.

The joint resolution from the Senate in relation to the safe keeping of the furniture of both houses of the General Assembly, was read, and the constitutional rule being suspended, was read the second time.

Mr. Goodman moved to amend the same by striking out the name of James G. Carroll and inserting the commissioners for superintending the rebuilding of the State house.

Said motion was lost, and the constitutional rule being further suspended, the resolution was read the third time and passed.

The joint resolution from the Senate in relation to a coat of arms for the State of Alabama, was read, and the constitutional rule being suspended, was read a second time.

Mr. Blevins demanded the yeas and nays on suspending the constitutional rule with a view of giving said resolution a third reading forthwith, which motion was lost, and the resolution ordered to a third reading on to-morrow. Yeas 37 ; nays 37.

Those who voted in the affirmative are, Messrs. Ashley, Austin, Baker, Boon, Camp, Cody, Cooper, Coupland, Corsbie, Gardner, Hall, Heflin, Wm. Hendrix, Humphreys, Irby, James, Jones, Kennedy, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McMullen, McLeod, Neal, Perryman, Rather, Rives, Ryan, Stone, Storrs, Swanson, Walker, Watkins and Wood—17.

Those who voted in the negative are, Messrs. Aldridge, Blevins, Critcher, L. R. Davis, N. Davis, Franks, Goodman, Gunter, Hardwick, M. Hendricks, W. Holly, Hudson, Kendrick, Reynolds, Watts, Whatley and Wilson—17.

The joint resolution from the Senate in relation to the 16th

section fund, was read and the constitutional rule being suspended, was read a second time.

Mr. Watts moved to amend said resolution by striking out both provisos. Said amendment was adopted, and the constitutional rule being suspended, said resolution was read the third time forthwith and passed.

The joint resolution from the Senate, in relation to procuring suitable grave stones, for the purpose therein named, was read and laid upon the table.

The joint resolution from the Senate, responsive to the resolutions of the State of Connecticut, on the subject of slavery, were read.

Mr. Hall moved to amend said resolution by striking out all except the last two resolutions. Said amendment was concurred in, and the resolution as amended was adopted.

The bill from the Senate to regulate forced sales of slaves in certain cases, was read, and the constitutional rule being suspended, was read a second time.

Mr. R. H. Smith moved to amend the bill as follows :

Before the words "shall have no effect," insert the following : "Or whenever the officer or person to make such sale, shall not be able to obtain possession of all such slaves to be sold." Said amendment was adopted, and the bill was laid upon the table, And the House adjourned.

NIGHT SESSION, February 12th, 1850.

The House met pursuant to adjournment.

Mr. Aldridge moved a call of the roll, when the following representatives answered to their names :

Messrs. Adams, Aldridge, Austin, Baker, Benbow, Blevins, Boon, Brasher, Camp, Cooper, Coupland, Critcher, Corsbie, N. Davis, Franks, Gardner, Goodman, Gunter, Hall, Hardwick, Heflin, A. Holly, W. Holly, Hudson, Humphreys, Irby, Jemison, M. A. King, Lea, Ligon, Lockwood, McCall, McDonald, McGuire, McMullen, McLeod, Murphy, Perryman, Quinn, Rather, Reynolds, Ryan, Simmons, Storrs, Walker, Watts, Whatley, Wilson and Wood.

Mr. Watts moved to take from the messages of the Senate the bill making an appropriation to pay certain claims against the State, which motion prevailed. Said bill was read, and the constitutional rule being suspended, the bill was read the second and third times forthwith and passed.

The bill from the Senate, to amend and keep in force an act for the improvement of the Tennessee river, approved March 3d, 1848, was read.

Mr. Adams moved to lay said bill on the table, which motion prevailed.

Mr. Gunter (by leave.) introduced a bill for the relief of Henry M. Elmore. Said bill was read, and the constitutional rule being suspended, the bill was read a second time.

Mr. Jemison moved to amend said bill by additional section, as follows:

"Be it further enacted, That the same relief and extension be granted to the other bank debtors, if the debt is on account of securityship, as is granted by the foregoing section to the said Henry M. Elmore."

Mr. Rather moved to lay the bill and amendment on the table.

Mr. Ligon called for a division of the question. The question being first on laying the amendment on the table,

Mr. Ryan demanded the yeas and nays. Said motion prevailed. Yeas 33; nays 13.

Those who voted in the affirmative are, Messrs. Adams, Aldridge, Austin, Benbow, Boon, Brasher, Coupland, Corsbie, N. Davis, Gardner, Goodman, Gunter, Hall, Hardwick, Heflin, Humphreys, Kennedy, Ligon, Lockwood, McCall, McGuire, McMullen, McLeod, Perryman, Quinn, Rather, Rives, Simmons, Swanson, Walker, Watts, Whatley, Wilson and Wood—33.

Those who voted in the negative, are Messrs. Blevins, Camp, Cooper, Critcher, Franks, Hudson, Jemison, Lea, McDonald, Reynolds, Ryan, Storrs and Watkins—13.

There being no quorum voting,

The House adjourned.

WEDNESDAY, February 13th, 1850.

The House met pursuant to adjournment.

Mr. Lockwood offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed on the part of the House to act with a like committee to be appointed on the part of the Senate, to wait on His Excellency the Governor and inform him that the two houses having completed the business before them, are ready to adjourn *sine die*, if he has no further communication to lay before them.

Messrs. Lockwood, Blevins and Heflin composed said committee.

Mr. Watts offered the following resolution, which was adopted:

Resolved, That the thanks of this House are tendered to the Hon. L. P. Walker, for the courteous, able, impartial and dignified manner in which he has presided over its deliberations during the session.

And the House adjourned.

AFTERNOON SESSION, February 13, 1850.

The House met pursuant to adjournment.

Mr. Nathaniel Davis offered the following resolution, which was adopted :

Resolved, That the Senate be informed that this House has disposed of all the business before it, and, with the concurrence of the Senate, is now ready to adjourn *sine die*.

A message from the Senate, by Mr. Kidd :

Mr. Speaker : The Senate has adopted the following resolution, in which they ask the concurrence of the House :

Resolved, That a committee of three be appointed on the part of the Senate, to act with a like committee to be appointed on the part of the House, to wait on His Excellency the Governor, and inform him that the houses having completed the business before them, are now ready to adjourn *sine die*, if His Excellency has no further communications to lay before them. Messrs. Garland, Storrs and Watrous compose said committee on the part of the Senate.

The said resolution was concurred in, and Messrs. Gardner, Irby and Ligon appointed said committee on the part of the House.

Mr. Gardner, from the joint committee above mentioned, reported that they had performed the duty assigned them, and were informed by His Excellency that he had no further communication to lay before the General Assembly.

And then Mr. Speaker declared the House adjourned *sine die*.

L. P. WALKER, Speaker.

Attested :

ALEXANDER B. CLITHERALL, Principal Clerk.

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INDEX, OR APPENDIX.

- ADAMS, MR.**—Introduced bills, 76, 129, 162, 180, 237, 268, 304, 314, 523; presented petitions, 268, 342; moved to amend bills, 186, 317, 337, 420, 481, 520; moved to reconsider vote of the House, 129; moved to take up bills, 244; moved to lay bills on the table, 540; moved to lay report and bill on the table, 362; moved to lay amendments on the table, 386, 476; moved to lay reports on the table, 448.
- ADJOURNMENT SINE DIE**—Proceedings in relation to, 321, 322, 323, 383, 384, 495, 496, 497, 532.
- ALDRIGE, MR.**—Introduced bills, 48, 55, 124, 187, 463, 529; offered resolutions, 125, 150, 285; presented petitions, 56; moved to amend bills, 154, 318, 410, 414, 447, 459, 472; moved to amend resolutions, 9; moved to lay bills on the table, 443; moved to lay amendments on the table, 148, 262, 379, 422, 432, 492; moved to lay reports on the table, 108, 179; moved to lay motion on the table, 493; moved to amend rules of the House, 112; moved to reconsider vote of the House, 274, 514; moved a call of the House, 539; called for a division of the question, 148, 483, 500.
- APPEALS**—From decision of the Speaker, by Mr. Davis, 65; Mr. Cooper, 122, 199, 245, 251; Mr. J. H. King, 255; Mr. Humphreys, 272, 281; B. W. Walker, 284; Mr. Storrs, 416; Mr. Davis, 423; Mr. Gardner, 429; Mr. Watts, 461, 463; Mr. Blevins, 475.
- ASHLEY, MR.**—Introduced bills, 55, 76, 162, 246, 321; moved to amend bills, 165; moved to lay amendments on the table, 520; moved to lay reports on the table, 148; moved to refer bills, 67; moved to print reports, 159; obtained leave of absence, 198.
- AUSTIN, MR.**—Introduced bills, 140, 143, 488.
- BAKER, MR.**—Introduced bills, 78, 139, 144, 167, 177, 268, 278; offered joint resolutions, 96; offered resolutions, 56, 96, 176; presented petitions, 75; moved to amend resolutions, 9; moved to amend bills, 134, 142, 164, 165, 297, 317, 336, 340, 425, 432, 434, 463, 471, 472, 499; moved to lay resolutions on the table, 64; moved to lay bills on the table, 105, 317, 478, 505; moved to lay reports on the table, 183; moved to amend memorial,

178; moved to postpone to a day certain, 178, 303, 330; moved to suspend orders of the day, 194, 470, 490, 523; moved that the convention of the two houses adjourn, 117, 122; moved that the house adjourn, 196; obtained leave of absence, 198; obtained leave to record vote, 532; moved to lay amendments on the table, 274, 276, 340, 512; moved to reconsider vote of the house, 425, 524; moved to take up bills, 308.

BARROW, MR.—Introduced bills, 106; moved to take up bills, 175; obtained leave of absence, 133.

BRIDGES, MR.—Introduced bills, 95, 50, 278, 304, 392, 415, 416, 436, 523; offered resolutions, 196, 198, 338; presented petitions 193, 237; moved to amend resolutions, 10, 303; moved to amend bills, 66, 264, 271, 317, 377, 427, 434, 439, 520, 522; moved to refer, 150; moved to amend rules of the house, 373; moved to lay report on the table, 305; moved to postpone to a day certain, 48, 125, 496; moved to lay Governor's message on the table, 235; moved to print Governor's message, 238; moved to take up Governor's message, 70; moved to take resolution from the table, 75; moved to suspend orders, 107, 191; moved instructions to committee, 308; obtained leave to record vote, 507.

BYNUM, MR.—Introduced bills, 46; moved to amend joint resolution, 51; obtained leave of absence, 285.

BOWEN, MR.—Introduced bills, 48, 150.

BOON, MR.—Introduced bills, 55, 76, 88, 129, 150, 162, 180, 258, 268, 508; moved to amend bills, 165, 186, 308, 414; obtained leave of absence, 198; moved to reconsider votes of the House, 486; moved to suspend orders, 508.

BRASHER, MR.—Introduced bills, 88; presented petitions 63; moved to amend resolutions, 191; moved to suspend orders, 477.

BLEVINS, MR.—Introduced bills, 76, 153, 162, 342, 392, 416, 498; offered joint resolutions, 110, 188; presented petitions, 110, 268, 314; offered resolutions, 131; moved to amend bills, 339, 466, 515, 522; moved to lay amendments on the table, 377, 412; moved to lay report on the table, 395; obtained leave of absence, 198; moved to make joint resolutions special order, 324; moved to lay motions on the table, 426; moved to postpone to a day certain, 427; appealed from the decision of the chair, 475; moved to reconsider vote, 493, 521; recorded vote 435, 507.

BANKS.—State and branches. proceedings in regard to, 158, 269, 270, 271, 272, 273, 274, 275, 276, 280, 281, 282, 283, 284, 285; 287, 288, 298, 365.

BANK, STOCK.—Proceedings in regard to, 371, 397, 398, 399, 400, 441, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 488, 518.

BANKING, FREE.—Proceedings in regard to bill authorizing, 397, 398, 399, 400, 505, 506, 507, 508, 519, 520, 527.

BENBOW, MR.—Introduced bills, 252.

CAIN, MR.—Introduced bills, 50, 63, 88, 124, 360; presented petitions, 56; moved to amend bills, 165, 308.

CALLS OF THE HOUSE—244, 388, 440, 539.

CAMP, MR.—Introduced bills 49, 177, 449; offered resolutions, 57, 97; moved to lay report on the table, 147; moved to lay amendments on the table, 287; moved to lay bills on the table, 306; moved to amend resolution, 47; moved to amend bills, 184, 318, 374.

CAPITOL.—Note of burning of, 191; report of the majority and minority of committee of ways and means on the bill making appropriations to rebuild, 326, 327, 328, 329, 330; proceedings on bill making appropriation to rebuild, 370, 417, 418, 419, 420, 470, 471, 472, 473, 474, 475, 476, 477, 482, 483, 490, 491, 492, 493, 509, 510, 511, 512, 513, 514, 515, 516, 517, 524.

CHISOLM, MR.—Introduced bills, 392; offered resolutions, 8; moved to lay joint resolutions on the table, 51; obtained leave of absence, 198.

CLEMENS, JEREMIAH—Elected United States Senator, 128.

CODY, JAMES—Appeared and was qualified, 320; introduced bills, 382, 481.

COLLIER, H. W.—Declared elected governor of Alabama, 58; installed, 196.

COLEMAN, MR.—Introduced bills, 49, 110, 162, 279.

COMMITTEES—Reports from:

Judiciary, 71, 75, 81, 89, 90, 95, 101, 108, 109, 130, 134, 135, 140, 141, 144, 169, 170, 171, 172, 183, 259, 289, 294, 296, 297, 305, 306, 434, 442, 443, 444, 445, 499, 500.

Accounts, 89, 111, 131, 136, 145, 148, 150, 241, 394, 501.

Ways and Means, 107, 130, 183, 266, 291, 315, 326, 449, 450; minority, 328.

Federal Relations, 296, 347, 401.

Retrenchment, 163, 182, 300.

Privileges and Elections, 449.

The military, 101, 144, 150, 163, 183, 311, 396, 449.

Internal Improvement, 81, 90, 125, 135, 298, 309, 310, 326, 348, 349, 350, 351, 352, 353, 373, 446, 447.

Propositions and Grievances, 109, 111, 112, 125, 130, 131,

144, 147, 148, 181, 182, 303, 310, 339, 363, 371, 372, 373, 393, 448, 449.

Agriculture, 150.

County Boundaries, 312, 449, 450.

Divorce and Alimony, 89, 90, 110, 111, 311, 393, 409, 449, 481.

Enrolled Bills, 98, 126, 136, 166.

Roads, Bridges and Ferries, 95, 163, 169, 396, 481.

State Capitol, 96, 136, 143, 194, 501.

Corporations, 136, 163, 315, 394, 395, 501.

Sixteenth Section Fund, 111, 169, 181, 312, 362, 447.

State Bank and Branches, 294, 302, 307, 309, 500.

University, 310, 360, 361.

Banks and Banking, 397, 398, 399, 400.

Public Printing, 75, 111, 144, 161.

Penitentiary, 111, 168.

JOINT—Appointed, 10, 70, 80, 87, 168, 176, 192, 541 ;
reported, 11, 110, 144, 155, 156, 157, 158, 193, 194,
266, 479, 480, 535, 541.

SELECT—Appointed, 11, 52, 53, 87, 102, 278, 285, 310 ;
reported, 48, 96, 111, 112, 137, 144, 172, 189, 190, 191,
308, 312, 313, 314, 335, 333, 344, 364, 387, 405, 406,
407, 409, 410, 415, 451, 471, 523 ; on revenue bills,
330 ; minority on revenue bills, 330 ; minority, 344.

CONSTITUTION—Amendments to ratified, 412, 416.

COOPER, MR.—Introduced bills, 11, 46, 48, 49, 55, 71, 79, 88,
180, 188, 236, 246, 304, 338, 494 ; presented accounts,
246 ; offered resolutions, 63, 146, 199, 235 ; moved to
amend memorial, 478 ; moved to refer, 164, 178, 184,
303, 347 ; moved to lay resolutions on the table, 102, 141,
199, 235 ; moved to lay amendments on the table, 142,
178, 192, 199, 250, 336, 376, 377, 410, 438, 502, 528 ;
moved to amend bills, 67, 125, 189, 261, 288, 336, 405,
452, 456, 458, 460, 502 ; moved to postpone to a day
certain, 168, 323, 451 ; moved to reconsider vote of the
House, 100, 134, 308, 504 ; appealed from the decision of
the chair, 122, 199, 245, 251 ; moved to recommit, 125 ;
moved to lay motions on the table, 159 ; moved to lay
bills on the table, 186, 260, 318, 335, 348, 365, 370, 372,
406, 410 ; moved to lay reports on the table, 310, 348,
372 ; moved to suspend constitutional rule, 338, 503 ;
moved to suspend orders, 389, 494 ; offered joint resolu-
tions, 236 ; moved to adjourn, 245 ; moved to postpone
indefinitely, 251 ; moved to amend resolutions, 257, 264,
383 ; moved to print reports, 158, 159 ; moved to take up
joint resolutions, 180.

- COUPLAND, MR.**—Introduced bills, 49, 76, 106, 236, 246, 321; moved to lay bills on the table, 254; moved to lay amendments on the table, 319.
- CREAGH, MR.**—Introduced bills, 63, 247, 258, 268, 321; offered joint resolution, 98; offered resolutions, 64, 321; presented petitions, 95, 162, 252, 304; moved to amend bills, 260, 472; moved to postpone to a day certain, 255; obtained leave of absence, 198; moved the previous question, 281; moved to suspend orders, 321; called for a division of the question, 387; moved to reconsider vote of the House, 460.
- CREWS, MR.**—Introduced bills, 49, 78, 392; offered resolutions, 298; obtained leave of absence, 198; moved to lay amendments on the table, 441; moved to postpone bill indefinitely, 509.
- CRITCHER, MR.**—Introduced bills, 76, 100, 110, 177, 279; moved to amend bills, 414; moved to lay reports on the table, 449; obtained leave to record vote, 532.
- CORSBIE, MR.**—Moved to amend bills, 516; moved to lay bills on the table, 164; obtained leave to record vote, 507.
- DAVIS, MR. ATTOWAY R.**—Introduced bills, 11, 46, 55, 124, 180, 258, 381; obtained leave of absence, 198.
- DAVIS, MR. LAWRENCE R.**—Introduced bills, 101, 153, 498; presented petitions, 268; moved to amend bills, 386, 475, 492; moved that the convention of the two houses adjourn, 119; moved that the House adjourn, 151; moved to reconsider vote of the House, 159, 251, 461; moved to lay motion on the table, 276; moved to lay bills on the table, 427; moved to lay amendments on the table, 455, 511, 512, 514; moved the previous question, 429, 520; obtained leave to record vote, 507.
- DAVIS, MR. NATHANIEL.**—Introduced bills, 46, 55, 76, 124, 236, 436; offered joint resolutions, 9, 57; offered resolutions, 191, 321, 384, 485, 500, 541; moved to amend bills, 163, 187, 273, 339, 340, 362, 371, 407, 428, 430, 438, 442, 445, 453, 461; moved for previous question, 149, 153, 386, 405; moved to lay resolutions on the table, 9; moved to lay bills on the table, 103, 162; moved to amend resolutions, 47, 88, 192, 199, 365; moved to lay amendments on the table, 65, 152, 191, 271, 280, 340, 378, 383, 405, 422, 437; moved to take up bills, 114, 267; moved to refer, 45, 103, 127, 277, 442; moved to print comptroller's report, 62; appealed from the decision of the chair, 65, 423; moved to postpone to a day certain, 107, 175, 286, 301, 363, 418, 481; moved to postpone indefinitely, 108, 145, 175, 264; elected Speaker,

pro tem., 241; moved to suspend rules, 383, 458, 499, 519; moved that the House recede from amendments, 499; moved to reconsider vote of the House, 507; called for a division of the question, 259, 340; moved to lay report on the table, 447.

EDWARDS, Mr.—Introduced bills, 11, 49, 63, 498; offered resolutions, 56, 532; moved to amend bills, 380; moved to postpone bill indefinitely, 174; moved to lay bills on the table, 311.

ELECTIONS.—Of Speaker, 4; Clerks and Doorkeepers of the House, 4, 5, 6, 7, 8; of Judge of the Supreme Court 77; of Judges of County Courts, 77, 78, 94, 172, 173, 299, 359; of Solicitors, 81, 82, 83, 84, 85, 86, 91, 92, 93, 94; of U. S. Senators, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 128; Judges of Circuit Courts, 355, 356, 357, 358, 359, 360, 407; Trustees of the University, 360, 531; members of the medical board at Florence, 359; of Comptroller of Public Accounts, 367; State Treasurer, 367; Secretary of State, 368; Commissioners to superintend the rebuilding of the capitol, 529, 530.

FOSCUE, Mr.—Introduced bills, 55, 129, 252, 416; offered joint resolutions, 100; offered resolutions, 1, 9, 97, 235; presented petitions, 106, 246; moved to amend resolution, 101; moved to amend bills, 254, 271, 376, 379, 409, 410, 438, 440, 452, 459; called for a division of the question, 183; moved to lay motions on the table, 280; moved the previous question, 469; obtained leave to record vote, 435, 470.

FRANKS, Mr.—Moved to amend bills, 388; moved to lay bills on the table, 521.

GARDNER, Mr.—Introduced bills, 46, 62, 69, 79, 150, 153, 236, 252, 267, 392; offered resolutions, 68, 97, 143, 252, 258; presented petitions, 177, 314, 320; appealed from the decision of the chair, 429; moved to lay resolution on the table, 151; moved to amend bills, 103, 260, 306, 308, 311, 336, 375, 421, 427, 432, 476; moved to lay bills on the table, 56, 179, 187; moved to take up bills, 110; moved to amend rules of the House, 96; moved to recommit bill, 108; moved to print reports, 112; called for a division of the question, 134; moved to suspend rules, 143; moved to postpone to a day certain, 177; moved to postpone indefinitely, 325; moved to amend resolution, 191; moved to adjourn, 251; moved to refer, 266, 448; obtained leave of absence, 313; moved to lay amendments on the table, 249, 522.

GATES, Mr.—Introduced bills, 49, 89, 110, 139; presented petitions, 77, 320; offered resolutions, 131, 199; moved to lay bills on the table, 164, 418; moved to lay report on

the table, 195, 396; moved to amend resolutions, 153, 383; moved to amend bills, 485, 506, 510; moved to refer bills, 67, 289; moved to recommit, 109; moved to suspend orders, 264, 519; moved to lay report on the table, 297; moved to recede from amendments of the House, 433; moved to lay motion on the table, 451; called for a division of the question, 459; moved to reconsider vote of the House, 529.

GAZZAM, Mr.—Introduced bills, 76, 143, 252, 268, 278, 342; presented petitions, 106, 110, 320; moved to amend bills, 186, 277, 502; moved to refer, 320; moved to reconsider vote of the House, 529.

GOLDSBY, Mr.—Introduced bills, 80; offered joint resolutions, 41, moved to amend bills, 465; moved to lay joint resolutions on the table, 323; moved to lay report on the table and print, 355; obtained leave to record vote, 435, 470.

GONDER, Mr.—Introduced bills, 55, 129, 153, 167, 268; offered resolutions, 48; moved to amend resolutions, 64; moved to amend bills, 378, 422, 441, 452; moved that the convention of the two Houses adjourn, 121; moved that House adjourn, 128, 461; obtained leave to record vote, 435; obtained leave of absence, 161, 198.

GOODMAN, Mr.—Introduced bills, 55, 188, 236; moved to reconsider vote of the House, 69; moved to amend bills, 165, 320, 410, 437, 472, 477; moved to amend resolutions, 191, 538; moved to postpone to a day certain, 420; moved to suspend orders, 508.

GOVERNOR—Votes cast for, examined by the two Houses, 57; H. W. Collier declared elected, 58; installed, 196.

GROCE, Mr.—Introduced bills, 252, 258, 279, 314, 342; moved to amend bills, 392; moved to lay report on the table, 312, 409; moved to lay amendments on the table, 374, 380, 453; moved to reconsider vote of the House, 508.

GUNTER, Mr.—Introduced bills, 49, 63, 180, 181, 258, 342, 382, 529, 540; offered resolution, 10; moved to amend resolution, 250; moved to amend bills, 346, 347, 386, 502; moved to lay bills on the table, 335.

HALL, Mr.—Introduced bills, 246, 304, 441; offered resolutions, 62, 87, 154, 318; offered joint resolution, 236; presented petitions, 46, 311; moved to lay resolution on the table, 148; moved to amend bills, 48, 65, 269, 270, 339, 385, 387, 422, 428, 446, 452, 458, 461, 468, 476, 503; moved to lay bills on the table, 103, 436; moved to refer, 62, 103, 130, 136, 532; moved to amend rules of the House, 68; moved to lay motions on the table, 107, 158, 533; moved instructions to committee, 107; moved to lay resolutions on the table, 322; moved to lay amendments on the table, 339; moved to amend resolutions, 539; moved to postpone to a

day certain, 323, 439, 451, 463; called for a division of the question, 324; moved to reconsider vote of the House, 338; moved to suspend orders, 498, 531, 533; moved to lay report on the table, 130; obtained leave to record vote, 507.

HARDWICK, MR.—Introduced bills, 11, 55, 100, 147, 162; offered resolutions, 365; moved to amend resolutions, 381; moved to amend bills, 345, 454, 502; moved to postpone to a day certain, 338; moved to print report, 159; moved to lay amendments on the table, 345, 383; moved to lay bills on the table, 447; obtained leave of absence, 198; moved to suspend orders, 488, 501, 508; called for a division of the question, 501, 511.

HATCHER, MR.—Obtained leave of absence, 125; obtained leave to record vote, 435.

HEFLIN, MR.—Introduced bills, 63, 147, 177, 247, 304; presented petitions, 89; moved to amend resolution, 75; moved to amend bills, 310, 410; moved to lay report on the table, 447.

HENDRIX, MR. WM.—Introduced bills, 46, 49, 79, 147, 259, 304, 388; offered resolutions, 341; presented petition, 252; moved to amend bills, 323, 379, 429; moved to amend rules of the House, 176; moved to adjourn, 240; moved to lay amendments on the table, 282, 417; moved to lay report on the table, 297; moved to suspend orders, 488.

HENDRICKS, MR. MADISON—Offered joint memorial, 162; moved to lay amendments on the table, 379, 421, 422; obtained leave to record vote, 507.

HILL, MR.—Introduced bills, 49, 79, 124, 139, 279, 392, 441, 522; moved to amend bills, 301, 368; presented petitions, 45, 79, 162, 177, 252; moved to postpone indefinitely, 146, 183; moved to lay bills on the table, 400; moved to lay report on the table, 107; moved to recommit, 189; obtained leave of absence, 198; obtained leave to record vote, 435, 507; called for a division of the question, 302.

HOLLY, MR. WM.—Introduced bills, 46, 75, 106, 133, 139, 180, 268, 278; presented petition, 499; offered resolutions, 279, moved to amend bills, 165.

HOLLY, MR. ALFRED—Introduced bills, 47, 49, 55, 79, 88, 100, 106, 124, 139, 147, 167, 188, 435; moved to amend bills, 165.

HOUGH, MR.—Offered resolutions, 96; moved to lay bills on the table, 325; moved to reconsider vote of the House, 273; obtained leave of absence, 519.

HUDSON, MR.—Introduced bills, 55, 78, 110, 167, 305, 321; offered joint resolutions, 79, 89; presented petition, 320;

moved to amend bill, 308; moved to lay reports on the table, 181; obtained leave of absence, 198.

HUMPHREYS, MR.—Introduced bills, 11, 79, 89, 150, 181, 236, 279, 382; offered resolutions, 57, 125, 248, 257, 303; presented petitions, 50, 237; moved to amend bills, 263, 270, 376, 379, 385, 450, 457, 458, 459, 460, 491, 505, 506; moved to lay amendment on the table, 263, 269, 307, 459, 483; moved to recommit, 135; moved to reconsider vote of the House, 146; called for a division of the question, 45, 282, 456; moved to lay report on the table, 297, 310, 396; moved to amend resolution, 101; moved to lay bill on the table, 108, 130, 331, 500; moved to postpone bill indefinitely, 134; moved to suspend constitutional rule, 277, 319; moved to adjourn, 149; moved to refer, 269; appealed from the decision of the chair, 272, 281; moved to postpone to a day certain, 145, 248, 275, 406, 414, 451.

INTEREST, RATE OF—Proceedings on bill to regulate, 142, 143, 154.

IRBY, MR.—Introduced bills, 46, 162, 181, 280, 416; moved to amend bills, 455, 457, 458; made minority report, 344; moved to lay bills on the table, 403; moved to lay amendments on the table, 423, 429, 439, 464, 466, 467; moved to suspend orders, 519.

JAMES, MR.—Introduced bills, 167; presented petitions, 167, 268; offered resolutions, 192; moved to amend bills, 308; moved to lay resolution on the table, 125; moved to postpone to a day certain, 80; moved to lay bill on the table, 60; moved to lay report and petition upon the table, 362; moved to suspend orders, 417.

JEMISON, MR.—Introduced bills, 46, 79, 124, 154, 250, 252, 296, 304, 305, 313, 441; offered resolution, 10, 97, 160, 239; moved to amend resolutions, 56, 65, 242, 265; moved to amend bills, 190, 259, 263, 335, 365, 373, 408, 417, 423, 428, 431, 432, 439, 452, 460, 465, 474, 512, 524, 540; moved to adopt rules, 9; moved to lay amendments on the table, 270, 472; moved to lay bills on the table, 317, 499, 521, 523; moved to suspend orders, 250, 504, 505; moved to amend motion to print Governor's message, 45; called for a division of the question, 244, 417, 509, 525; moved to refer, 47, 362; moved to print memorial, 107; moved instructions to committee, 175, 185; gave notice of his intention to move reconsideration of the vote of the House, 416; moved to postpone to a day certain, 346, 426, 495; moved to postpone indefinitely, 504, 524; made minority report, 364; moved that the House recede from its amendment, 376; moved to lay motions on the table, 454, 463, 470; moved to print report of committee of ways and means, 294; moved to reconsider vote of the House, 489, 526; moved to adjourn, 517.

JONES, MR.—Introduced bills, 11, 382, 436; presented petitions, 381; offered resolutions, 96, 193; moved to amend resolutions, 132, 149; moved to amend bills, 189, 249, 280, 307, 420, 429, 453, 458, 467, 503, 505, 506, 526; moved to lay resolutions on the table, 370; moved to suspend constitutional rule, 183; moved to suspend orders of the day, 197; moved to postpone to a day certain, 109, 184, 322, 323, 371, 418; moved to postpone indefinitely, 501; moved to lay report on the table, 125, 259, 310; moved to lay bill on the table, 183, 394; moved to reconsider vote of the House, 141; moved to postpone bill indefinitely, 164; moved to lay amendment on the table, 264, 485; called for a division of the question, 272, 430; moved to refer, 303; moved that the House adjourn, 363; moved that the House recede from amendments, 499; obtained leave of absence, 241.

JUDICIAL PROCEEDINGS—Proceedings of the House on bills to regulate, 260, 261, 262, 263, 264, 266, 267, 296.

KENDRICK, MR.—Introduced bills, 124, 180, 252; offered resolutions, 131; moved to amend resolutions, 250.

KENNEDY, MR.—Introduced bills, 94, 320, 435, 494; moved to amend bills, 254; moved to lay bill on the table, 154; moved to lay amendments on the table, 248, 387, 456; moved to postpone to a day certain, 240; moved to adjourn, 243; moved to refer, 282; moved to reconsider votes of the House, 492.

KING, MR. JACOB H.—Introduced bills, 392; offered resolutions, 97, 285; moved to amend bills, 271, 311, 432, 459, 467; moved to amend resolutions, 47; moved to postpone indefinitely, 150; moved to lay resolutions on the table, 197; moved to lay amendments on the table, 251, 260, 306, 421; moved to lay bills on the table, 306; obtained leave of absence, 167; appealed from the decision of the chair, 255; moved the previous question, 381.

KING, MR. MICHAEL A.—Introduced bills, 55, 76, 150, 237, 268, 314, 382; presented petitions, 77, 89, 124, 162, 314; moved to amend bills, 269, 339, 385, 410; moved to postpone bill indefinitely, 141; moved to postpone to a day certain, 269, 337, 348, 495; moved to amend resolutions, 47, 266, 365, 403; moved to lay amendments on the table, 65, 134, 302, 374, 375, 432; moved to lay motions on the table, 107, 134, 420, 508; moved to lay bills on the table, 174, 183, 302, 369; moved to refer, 175; called for a division of the question, 197, 342; moved to reconsider vote of the House, 238; moved that the house adjourn, 364; moved to suspend constitutional rule, 382.

- KING, WM. R.**—Declared elected United States Senator, 116.
- LEA, MR.**—Introduced bills, 41, 78, 106, 134, 143, 147, 167, 268, 308, 383, 523; offered resolutions, 237, 495, 526; moved to amend bills, 57, 190, 373, 428, 432; moved to amend resolutions, 531; moved to amend motion, 494; moved to refer, 190, 308; moved to reconsider vote of the House, 529; moved to suspend constitutional rule, 536.
- LIGON, MR.**—Introduced bills, 49, 55, 63, 76, 100, 129, 139, 143, 150, 153, 177, 252, 259, 304, 382, 392; offered resolutions, 313; moved to amend resolutions, 75; moved to amend bills, 342, 453, 503; moved to lay bills on the table, 69; moved to lay amendments on the table, 408, 420; moved to postpone to a day certain, 134, 313; called for a division of the question, 540.
- LOCKWOOD, MR.**—Introduced bills, 49, 55, 79, 94, 124, 129, 162, 177, 268, 321, 342, 436; offered resolutions, 540; presented petitions, 80, 237, 247, 279, 304, 314, 320; moved to amend bill, 134, 502, 529; moved to lay bills on the table, 107, 186; moved to take up bill, 523.
- MARRIED WOMEN**—Proceedings upon bills to secure to, their separate estates, 61, 79, 259, 260, 481, 528.
- MESSAGES**—From the Governor, 12, 46, 52, 59, 68, 112, 136, 160, 176, 181; referred to the whole House, 70, 73; of Gov. Collier, 200 to 235, 242, 265, 267, 372; referred to the whole House, 253; veto, 286, 333; from the Senate, 9, 11, 47, 50, 63, 65, 70, 76, 80, 99, 130, 152, 162, 175, 192, 242, 346, 318, 355, 365, 376, 404, 433, 488, 489, 532, 541.
- MCCALL, MR.**—Obtained leave of absence, 198.
- MCCOLLUM, MR.**—Introduced bills, 55, 76, 124, 140, 167, 176, 177, 278, 321, 342; presented petitions, 168, 237, 442; moved to amend bills, 306, 421; moved to lay resolutions on the table, 250; moved to lay bill on the table, 257; moved to lay report on the table, 371; moved to suspend orders, 533.
- MCDONALD, MR.**—Introduced bills, 176, 304; offered joint resolutions, 381; obtained leave of absence, 198.
- MCGUIRE, MR.**—Introduced bills, 49, 50, 79, 88, 144, 247, 258, 308, 392, 499; offered resolutions, 168; offered joint resolutions, 247; moved to amend bills, 133, 502, 503; made minority report, 344; obtained leave to record vote, 532.
- MCLEOD, MR.**—Introduced bills, 46, 63, 100, 153, 499; presented petitions, 433; moved to lay report on the table, 303; obtained leave of absence, 198.
- McMULLEN, MR.**—Introduced bills, 48, 62, 63, 100, 176, 188, 268, 314, 344, 498; presented petitions, 393; moved to

amend bills, 308 ; moved to lay ~~amendments on the table~~, 474.

MURPHY, MR.—Offered resolutions, 239 ; called for a division of the question, 248 ; obtained leave to record vote, 435 ; moved to amend resolutions, 47 ; moved to amend bills, 410.

NEAL, MR.—Moved to amend bills, 388, 452, 460, 467 ; moved to postpone motion to a day certain, 524 ; obtained leave of absence, 198 ; obtained leave to record vote, 507.

NORTHCUT, MR.—Introduced bills, 63, 76, 100, 147, 150 ; offered resolutions, 9 ; presented petition, 47 ; moved to amend resolution, 47 ; moved to amend bills, 143, 164, 165 ; resolutions in regard to death of, 235.

PATTON, MR.—Introduced bills, 55, 76, 79, 129, 153, 168, 234, 247, 258, 304, 382, 488 ; offered joint memorial to Congress, 64 ; offered resolutions, 97, 239, 298 ; presented petitions, 140 ; moved to amend bills, 385, 445, 506 ; moved to amend resolutions, 264, 322 ; moved that the convention of the House adjourn, 116 ; moved to postpone to a day certain, 519 ; moved to print reports, 158 ; moved to take up report, 198 ; moved to take up bill, 248 ; moved to reconsider vote of the House, 259 ; moved to adjourn, 251 ; moved to suspend orders, 508.

PERKINS, MR.—Introduced bills, 436, 494 ; offered resolutions, 235, 265 ; presented petitions, 151, 305 ; moved to lay resolution on the table, 53 ; moved to lay bills on the table, 309 ; moved to amend resolutions, 75, 80, 383 ; moved to amend bills, 135, 301, 450 ; moved to refer, 45, 87, 308 ; moved to postpone bill to a day certain, 69 ; moved to postpone resolution to a day certain, 132 ; moved to print report, 158 ; called for a division of the question, 199, 383 ; moved to suspend consideration of bills, 289, 499 ; obtained leave of absence, 239 ; obtained leave to record vote, 507 ; moved to lay report on the table, 500 ; moved to lay amendments on the table, 515.

PERRYMAN, MR.—Introduced bills, 147 ; obtained leave of absence, 198.

PICKETT, MR.—Introduced bills, 89, 180, 258, 523 ; offered joint resolution, 46 ; moved to lay resolutions on the table, 495 ; moved that the House adjourn, 179 ; moved to lay amendment on the table, 244, 379, 476 ; moved to lay reports on the table, 394 ; moved to lay bills on the table, 400 ; moved to reconsider vote of the House, 465 ; moved to suspend constitutional rule, 469 ; moved to postpone bills indefinitely, 420 ; protested against the passage of a bill, 437 ; moved that the House recede from amendments, 499.

POLK, JAMES K.—EX-PRESIDENT OF THE UNITED STATES—Report and resolutions in regard to death of, 137, 138.

- PROBATE COURT**—Proceedings in regard to, 11, 47, 169, 170, 171, 338, 488, 489, 501, 502, 504.
- QUINN, MR.**—Introduced bills, 55, 71, 133, 188, 278, 393; offered resolutions, 47; moved to amend bills, 414, 528; obtained leave of absence, 198.
- RATHER, MR.**—Introduced bills, 46, 55, 76, 181; moved to amend resolutions, 383; moved to amend bills, 410; moved that the House adjourn, 257; moved to lay amendments on the table, 438, 540; called for a division of the question, 494; moved to postpone joint resolutions indefinitely, 166; moved to lay memorial and report on the table, 312; moved to lay bills on the table, 540; moved to reconsider vote of the House, 468; moved to suspend orders, 494.
- REESE, MR.**—Introduced bills, 258, 321; obtained leave of absence, 198.
- REVENUE**—Proceedings in relation to, 11, 146, 147, 148, 149, 152, 153, 286, 298, 305, 330, 346, 388, 389, 412, 420, 421, 422, 423, 427, 428, 429, 430, 431, 432, 437, 438, 439, 484, 485, 486, 487, 489, 490, 499.
- REYNOLDS, MR.**—Introduced bills, 154, 167, 236.
- RIVES, MR.**—Introduced bills, 46, 76, 124, 278, 304, 383; offered resolutions, 112; presented petition, 50; moved to print memorial, 107.
- ROWE, MR.**—Introduced bills, 78, 177, 258, 442; moved to amend bills, 458; moved to lay amendments on the table, 318, 403, 438; moved to amend rules of the House 98; obtained leave of absence, 131, 198.
- RYAN, MR.**—Introduced bills, 55, 56, 139, 314; presented petitions, 488; moved to amend bills, 381, 385, 439, 458, 503, 512; moved to postpone indefinitely, 311; moved to amend resolutions, 196, 252; moved to lay bills on the table, 135, 148, 407; moved to lay amendments on the table, 423; moved to postpone to a day certain, 175, 440; moved the previous question, 197; moved to take up bill, 277; moved to reconsider vote of the House, 537; moved that the House adjourn, 319, 482.
- SKELTON, MR.**—Introduced bills, 71; obtained leave of absence, 198.
- SIMMONS, MR.**—Introduced bills, 49, 63, 88, 110, 278; moved to amend bills, 422, 431; obtained leave of absence, 161, 313.
- SMITH, MR. EDWARD L.**—Introduced bills, 49, 177; presented petitions, 279; moved to take up bills, 267; moved to suspend rule, 494; obtained leave of absence, 246.

- SMITH, Mr. R. H.**—Introduced bills, 78, 134, 147, 236, 304, 392; offered resolutions, 240; presented petitions, 79, 314; presented memorial, 106; moved to amend bills, 168, 307, 313, 325, 345, 460, 467, 539; moved to amend resolutions, 242; moved to postpone to a day certain, 146, 280, 305, 495, 527; moved to take up bills, 168, 305; moved to print memorial, 106; moved to lay amendments on the table, 27, 455; moved to lay report and bill on the table, 363, 443; moved to refer, 501; obtained leave to record vote, 507; moved the previous question, 516.
- SPEAKER**—Elected, 4; Laid documents before the House, 11, 45, 48, 53, 54, 62, 69, 70, 71, 78, 87, 94, 143, 149, 150, 152, 176, 192, 197, 252, 258, 266, 278, 297, 307, 347.
- STONE, Mr.**—Introduced bills, 11, 55, 83, 139, 147, 154, 252, 258, 259, 268, 278; offered resolutions, 176; moved to amend bills, 374, 453, 454, 513; moved to amend resolutions, 47, 80; moved to lay report and bill on the table, 109, 136; moved to lay bills on the table, 516; moved to lay amendment on the table, 502; moved to print reports, 159; moved that the House adjourn, 507.
- STORRS, Mr.**—Introduced bills, 11, 275, 392, 499; offered resolutions, 57, 241; presented petitions, 11, 275; offered joint memorial, 275; moved to amend bills, 62, 155, 428; moved to postpone indefinitely, 528; moved to print Governor's message, 45; moved to print Comptroller's report, 62; moved to lay reports on the table, 75, 108; moved to lay amendments on the table, 385; moved to reconsider vote of the House, 416; appealed from the decision of the chair 416.
- SWANSON, Mr.**—Introduced bills, 268, 425.
- THORN, Mr.**—Introduced bills, 55, 106, 246, 314; moved to amend resolution, 47; moved to amend bills, 410.
- TURNER, Mr.**—Introduced bills 50, 63, 147, 258, 279; moved to amend resolution, 47; moved to amend bills, 186; moved to lay bills on the table, 525; obtained leave of absence, 198.
- TWO AND THREE PER CENT. FUND**—Proceedings on bill to appropriate, 373, 374, 375, 376, 377, 378, 379, 380, 381, 384, 385, 386, 411, 416, 426, 523, 524, 525.
- WALKER, Mr. B. W.**—Introduced bills, 49, 100, 247, 254, 392; offered joint resolutions, 177; moved to amend resolutions, 56; moved to amend bills, 243, 248, 283, 385, 525; moved to refer, 48, 240; appealed from the decision of the chair, 284; moved to reconsider vote of the House, 447, 451.

WALKER, L. P., MR.—Elected Speaker, 4; introduced bills, 258, 397; moved to amend bills, 135, 267, 269, 274, 275, 313, 503; moved to postpone to a day certain, 179; moved to lay bills on the table, 109, 135; moved to lay report on the table, 135; moved to lay amendments on the table, 273; moved to postpone to a day certain, 276; obtained leave of absence, 239; obtained leave to record vote, 533; called for a division of the question, 280; moved to suspend orders, 527, 533.

WATTS, MR.—Introduced bills, 46, 94, 106, 162, 167, 177, 247, 258, 268, 278, 383, 392; offered resolutions, 47, 64, 255, 541; moved to amend resolutions, 9, 266, 539; moved to amend bills, 282, 287, 336, 373, 409, 446, 459, 482, 497, 537; moved to refer, 127, 168; called for a division of the question, 158, 175; moved to lay reports on the table, 182; moved to take up bills, &c., 240, 323, 539; moved to reconsider votes of the House, 242; moved to postpone to a day certain, 267, 419, 460, 514; moved that the convention of the two houses adjourn, 120; moved that the house go into committee of the whole on governor's message, 253; moved to amend the rules of the House, 390, 423; moved to lay bills on the table, 400; moved the previous question, 454; moved to suspend orders, 508; moved to suspend rules, 516; moved to take up resolutions, 250; appealed from the decision of the chair, 461, 463; obtained leave to record vote, 532; presented petitions, 95, 177, 247, 381.

WATKINS, MR.—Introduced bills, 50, 110, 133, 150, 236, 342, 392, 425, 435, 523; presented petitions, 393; moved to amend bills, 135, 408, 410, 437, 439; moved to take up bills, 187; moved to lay report and bill on the table, 134.

WHATLEY, MR.—Introduced bills, 48, 79, 106, 162, 252, 267, 320, 462; offered resolutions, 53; moved to lay bills on the table, 524; moved to lay resolutions on the table, 177; move to lay amendments on the table, 289, 345, 378, 524; moved to amend resolutions, 47; moved to amend bills, 103, 186, 254, 412, 432, 456; moved to postpone to a day certain, 344, 493; moved to postpone bills indefinitely, 69; moved the previous question, 276.

WILLIAMS, MR.—Introduced bills, 46, 55, 177; offered resolutions, 198; moved to amend bills, 387, 439; moved to postpone to a day certain, 370; moved to lay report and bill on table, 112; moved to lay amendments on table, 437; moved to suspend orders, 152; moved to amend motion, 501; obtained leave of absence, 198.

WILSON, Mr.—Introduced bills, 49, 76; offered memorial to Congress, 50; moved to lay resolutions on the table, 10, 239, 406; moved to lay bills on the table, 346, 395, 397; presented petitions, 147, 342; moved to amend resolutions, 286; moved to amend bills, 343, 410; moved to lay instructions to committee on the table, 308; moved to adjourn, 187; moved to postpone to a day certain, 323, 461, 484; moved to reconsider vote of the House, 468; obtained leave to record vote, 533.

WOOD, Mr.—Introduced bills, 139, 236; offered resolutions, 10, 69; presented petitions, 105, 381; moved to amend bills, 184; moved to print report, 111; obtained leave of absence, 161, 239.

WRIGHT, Mr.—Introduced bills, 46.

YOUNG, Mr.—Introduced bills, 71, 88, 143, 153, 288, 523; moved to amend bills, 308; obtained leave of absence, 239; obtained leave to record vote, 507; moved to take up bill, 244.

YEAS AND NAYS—On motions to lay resolutions on the table, 10, 148, 151, 177, 197, 239, 250, 322, 496; on motions to lay joint resolutions on the table, 51, 406; on the passage of joint resolutions, 412, 416; on the adoption of resolutions, 151, 239, 384, 496, 497; on motion to lay amendments on the table, 148, 152, 154, 197, 199, 248, 249, 260, 262, 263, 264, 270, 271, 273, 274, 276, 280, 281, 282, 283, 287, 289, 302, 319, 339, 340, 341, 342, 343, 345, 369, 374, 375, 376, 377, 378, 380, 386, 387, 408, 417, 418, 420, 423, 429, 438, 441, 453, 455, 456, 457, 464, 466, 474, 476, 483, 492, 511, 512, 514, 515, 520, 525, 540; on motion to amend resolutions, 65, 88, 323; on motion to amend bills, 142, 263, 269, 272, 301, 335, 336, 340, 380, 385, 422, 427, 428, 429, 430, 431, 454, 457, 459, 460, 464, 465, 466, 468, 472, 484, 485, 486, 491, 493; on appeals from the decision of the chair, 65, 199, 272, 281, 284, 463, 475; on motions to lay bills on the table, 69, 105, 154, 247, 254, 260, 302, 306, 311, 317, 318, 325, 335, 369, 387, 394, 395, 406, 407, 427, 436, 443, 483, 505, 511, 521, 524, 525; on motion to postpone bills indefinitely, 70, 141, 145, 166, 175, 296, 311, 501, 509; on motions to postpone to a day certain, 108, 255, 276, 322, 324, 337, 418, 419, 420, 440, 461, 493, 495, 496, 515, 519; on ordering joint resolutions to a second reading, 100; on ordering bills to a second reading, 131, 188, 490, 523; on ordering bills to a third reading, 132, 288, 370, 372, 402, 409, 435, 450, 506, 517, 521; on the passage of bills, 132, 288, 298, 316, 334,

337, 366, 369, 411, 424, 430, 445, 470, 477, 504, 522, 524, 526, 527, 528, 529, 537; on motions to adjourn, 128, 139, 142, 151, 161, 179, 187, 240, 245, 251, 257, 363, 364, 462, 482, 507, 517; on motion to refer, 448, 532; on motions to lay motions on the table, 426, 437, 450, 454, 463, 470, 533; on motions to print, 106, 107, 159, 355; on motion to reconsider, 129, 141, 159, 238, 273, 274, 339, 426, 450, 461, 462, 465, 468, 486, 489, 508, 521; on concurring in reports, 140, 301, 384, 395; on concurring in amendments of the Senate, 484, 485, 486, 487, 490, 518; on motion for the previous question, 149, 153, 277, 281, 381, 386, 469, 516; on motions to lay reports on the table, 159, 179, 183, 195; on motion to recede from amendments of Senate bills, 433; on motion to take up bills, &c., 180; to suspend the constitutional rule and orders of the day, 278, 319, 321, 338, 362, 382, 383, 389, 417, 458, 469, 471, 484, 489, 490, 504, 509, 518, 536, 538.